

Also, petitions of the Methodist Episcopal Church of Marshfield, Ohio, and Wesley Davis and others, of Athens, Ohio, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HAMLIN: Petitions of Jerry Shinn and others, Martin F. Collins and others, and J. M. Goodman and others, all of Missouri, in favor of bill H. R. 89, known as the "anti-injunction bill"—to the Committee on the Judiciary.

By Mr. HOWARD: Papers to accompany bill granting an increase of pension to Jeremiah Odell—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Paper to accompany bill to remove charge of desertion from the record of Adam Foutz—to the Committee on Military Affairs.

By Mr. LINDSAY: Petition of the International Brotherhood of Steam Shovel, Dredge Firemen, Dock Hands, and Scowmen, of Buffalo, N. Y., protesting against the construction of steam dredges by the Government for its use on the chain of lakes—to the Committee on Rivers and Harbors.

Also, petition of Joseph Sohmmuller, of Brooklyn, N. Y., favoring the clause in post-office appropriation bill relative to the purchase of supplies manufactured by contract labor—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLEFIELD: Papers to accompany bill for the relief of Albert J. Stearns—to the Committee on Claims.

By Mr. LIVINGSTON: Papers to accompany bill for relief of Joseph H. Davis—to the Committee on War Claims.

By Mr. MAHON: Papers to accompany House bill for the relief of Levi Pick—to the Committee on Invalid Pensions.

By Mr. MORRELL: Resolution of trustees of the Women's Industrial Exhibit, favoring passage of bill for the establishment of a permanent national and international industrial exhibit of women's handiwork at Washington, D. C.—to the Select Committee on Industrial Arts and Expositions.

Also, resolution of Division No. 86, Ancient Order of Hibernians, of Philadelphia, Pa., favoring passage of the bill for erection of monument to the memory of Commodore John Barry—to the Committee on the Library.

By Mr. MURDOCK: Petition of veterans of the civil war of Haskell County, Kans., favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. RANDELL of Louisiana: Petition of T. F. Galleher and 57 others, of Longview, Tex., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBINSON of Arkansas: Petition of J. M. Barrett and others, against the passage of a parcels-post bill—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of Peter Fisher, of Waterloo, Ind., in favor of the passage of bill H. R. 5760—to the Committee on Invalid Pensions.

By Mr. SNOOK: Papers to accompany bill granting an increase of pension to William H. Zamboa—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of the International Brotherhood of Steam Shovel, Dredge Firemen, Deck Hands, and Scowmen, of Chicago, Ill., protesting against the Government constructing steam dredges for its use on the chain of lakes—to the Committee on Rivers and Harbors.

By Mr. TAYLOR: Petition of C. B. Ball and others, of Citronelle, Ark., in favor of a parcels-post and a post-check bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS of Illinois: Papers to accompany bill granting a pension to Clinton Allen—to the Committee on Invalid Pensions.

By Mr. WOODYARD: Petitions of Ripley Union, Woman's Christian Temperance Union, and 56 others, of Ripley, W. Va.; B. C. Davis and 36 others, of Elizabeth, W. Va.; N. C. Prickett and 35 others, of Ravenswood, W. Va.; Ripley Union, Woman's Christian Temperance Union, and 38 others, of Ripley, W. Va., and S. T. Rutherford and 10 others, of Petroleum, W. Va., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WYNN: Petitions of H. C. Newby and 100 others, of San Jose, Cal.; J. H. Stoniers, jr., and 19 others, of Berryessa, Cal.; Charles A. Spencer and 50 others, of Palo Alto, Cal.; M. H. Stevens and 40 others, of Mountain View, Cal.; H. J. Alderman and 21 others, of Santa Clara, Cal.; B. F. Kephart and 70 others, of Campbell, Cal.; F. W. Crandall and 30 others, of Saratoga, Cal.; L. B. Mallory and 45 others, of Los Gatos, Cal.; M. M. Gilchrist and 81 others, of Morgan Hill, Cal.; Rev. C. E. Irons and 58 others, of College Park, Cal.; E. J. Baker and 16 others and W. F. Wise and 21 others, of Santa Clara, Cal., and W. H. Lee and others, of San Francisco, Cal., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

SENATE.

TUESDAY, April 26, 1904.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

AUGUSTA ARSENAL, GA.

The PRESIDENT pro tempore. In the order to print the papers touching the arsenal at Augusta, Ga., yesterday, the Chair neglected to order the printing of the illustrations. If there be no objection, he will do it now. The Chair hears none.

POST-OFFICE BUILDING AT PORTLAND, OREG.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 19th instant, all correspondence relating to the leasing and fitting up of the temporary post-office building at Portland, Oreg.; which, on motion of Mr. MITCHELL, was, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

CLAIM OF CHARLES SMITH.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 19th instant, certain information relative to the claim of Charles Smith, late deputy collector of customs at Circle City, Alaska; which, on motion of Mr. MITCHELL, was, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Globe Works v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 4955) to provide for the appointment of an additional assistant appraiser at the port of Boston; and

A bill (S. 5169) making Lewes, Del., a subport of entry.

The message also announced that the House had passed with an amendment the bill (S. 3165) providing for second and additional homestead entries, and for other purposes; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1953) to provide for an additional associate justice of the supreme court of the Territory of New Mexico;

A bill (H. R. 4570) to provide an American register for the steamer *Beaumont*;

A bill (H. R. 8285) granting an increase of pension to William L. Peck;

A bill (H. R. 8790) granting an increase of pension to C. Annette Buckel;

A bill (H. R. 12666) granting an increase of pension to Henry E. W. Campbell;

A bill (H. R. 13936) granting an increase of pension to John W. Thomas;

A bill (H. R. 14491) granting an increase of pension to Eli Prebble;

A bill (H. R. 14700) granting an increase of pension to H. C. Washburn;

A bill (H. R. 14944) establishing a regular term of the United States circuit and district courts at Lewisburg, W. Va.; and

A bill (H. R. 15228) establishing a regular term of the United States circuit and district courts at East St. Louis, Ill.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1925) providing for the removal of the port of entry in the customs collection district in Alaska from Sitka, Alaska, to Juneau, Alaska;

A bill (H. R. 7264) to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras;

A bill (H. R. 11122) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and for other purposes;

A bill (H. R. 11582) authorizing the issuance of letters rogatory by the Commissioner of Patents and providing for the execution of letters rogatory issued from foreign patent offices;

A bill (H. R. 11586) to permit the construction of a smelter on the Colville Indian Reservation, and for other purposes;

A bill (H. R. 12382) authorizing the payment of the Choctaw and Chickasaw town-site fund, and for other purposes;

A bill (H. R. 12899) constituting Coal City, Grundy County, Ill., a port of delivery;

A bill (H. R. 13356) providing for the election of a Delegate from the Territory of Alaska to the House of Representatives of the United States and defining the qualifications of electors in said Territory; and

A bill (H. R. 15128) to authorize the Secretary of the Treasury to cancel a certain bond of Klaw & Erlanger.

The message further announced that the House insists upon its amendment to the bill (S. 2814) to amend an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. MONDELL, and Mr. BURNETT managers at the conference on the part of the House.

The message also announced that the House insists upon its disagreement to the amendment of the Senate to the bill (H. R. 14754) providing for the restoration or maintenance of channels, or of river and harbor improvements, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON, Mr. DOVENER, and Mr. BANKHEAD managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore.

A bill (S. 73) granting an increase of pension to William H. Colwell;

A bill (S. 103) granting an increase of pension to Alexander D. Tanyer;

A bill (S. 405) granting an increase of pension to Darius W. Owens;

A bill (S. 423) granting an increase of pension to Louisa Weaver;

A bill (S. 433) granting an increase of pension to William L. Johnson;

A bill (S. 498) granting an increase of pension to Richard E. Bouldin;

A bill (S. 538) granting an increase of pension to Alice W. Stoodley;

A bill (S. 682) granting an increase of pension to Jacob S. Grimes;

A bill (S. 741) granting an increase of pension to William D. Woodward;

A bill (S. 1244) granting an increase of pension to Sue Stevens Eskridge;

A bill (S. 1343) to amend an act approved March 3, 1899, entitled "An act to amend an act entitled 'An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the volunteer army of the United States in the existing war with Spain,' approved July 8, 1898," etc., and for other purposes;

A bill (S. 1494) granting an increase of pension to Edward Colvin;

A bill (S. 1564) granting an increase of pension to Daniel W. Working;

A bill (S. 1687) granting an increase of pension to Harvey R. Backus;

A bill (S. 1788) granting an increase of pension to Sarah E. Nichols;

A bill (S. 1808) granting a pension to James L. Dyer;

A bill (S. 1909) granting an increase of pension to William Haliday;

A bill (S. 2116) granting an increase of pension to Edna Stevens;

A bill (S. 2011) granting a pension to Maggie E. Bamford;

A bill (S. 2183) granting an increase of pension to David L. Miller;

A bill (S. 2268) to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes;

A bill (S. 2367) granting an increase of pension to Ferdinand Mergel;

A bill (S. 2396) granting an increase of pension to Clarissa Ann Lapoint;

A bill (S. 2730) granting an increase of pension to Jasper N. Jennings;

A bill (S. 2399) granting a pension to Michael Nelligan;

A bill (S. 2803) granting an increase of pension to William H. Ijams;

A bill (S. 3008) granting an increase of pension to John R. McMannomy;

A bill (S. 3036) for the protection of the Bull Run Forest Reserve and the sources of the water supply of the city of Portland, State of Oregon;

A bill (S. 3054) granting an increase of pension to Kate M. Strange;

A bill (S. 3119) granting an increase of pension to Raynor H. Newton;

A bill (S. 3151) granting an increase of pension to Hayden M. Thompson;

A bill (S. 3203) granting an increase of pension to George W. Foster;

A bill (S. 3245) granting an increase of pension to Oscar F. Bartlett;

A bill (S. 3304) granting an increase of pension to Andrew A. Kelley;

A bill (S. 3334) granting an increase of pension to Frances G. Belknap;

A bill (S. 3335) granting an increase of pension to John Waldo;

A bill (S. 3432) granting an increase of pension to Rosaline V. Campbell;

A bill (S. 3616) granting an increase of pension to Frances E. Plummer;

A bill (S. 3665) granting an increase of pension to Ellen M. O'Connor;

A bill (S. 3666) granting an increase of pension to James W. Carrier;

A bill (S. 3890) granting an increase of pension to James N. Culton;

A bill (S. 3915) granting an increase of pension to Benjamin F. Bollenger, alias Benjamin Bell;

A bill (S. 3989) granting an increase of pension to Eugene Schilling;

A bill (S. 4018) granting an increase of pension to James Gunn;

A bill (S. 4086) granting an increase of pension to Ralph Van Brunt;

A bill (S. 4171) granting an increase of pension to Thaddeus K. Miller;

A bill (S. 4187) granting an increase of pension to William G. Thompkins;

A bill (S. 4223) granting an increase of pension to William P. Jackson;

A bill (S. 4337) granting an increase of pension to William H. Hess;

A bill (S. 4340) granting an increase of pension to Rose MacFarlane;

A bill (S. 4341) granting an increase of pension to Henry Armstrong;

A bill (S. 4353) granting an increase of pension to Edward M. McCook;

A bill (S. 4606) granting an increase of pension to Edward G. Horne;

A bill (S. 4679) granting an increase of pension to Samuel R. Shankland;

A bill (S. 4899) granting an increase of pension to Laura M. Gillmore;

A bill (S. 5034) granting an increase of pension to George A. Miller;

A bill (S. 5076) granting an increase of pension to Stacey Williams;

A bill (S. 5078) granting an increase of pension to Asa Smith;

A bill (S. 5096) granting an increase of pension to Edmond G. Pugsley;

A bill (S. 5101) granting an increase of pension to Lewis Y. Foster;

A bill (S. 5111) granting an increase of pension to Charles W. Barrett;

A bill (S. 5125) granting an increase of pension to William O. White;

A bill (S. 5161) granting an increase of pension to William H. Seip;

A bill (S. 5179) granting an increase of pension to Alonzo Gardner;

A bill (S. 5180) granting a pension to Thomas Smith;

A bill (S. 5191) granting an increase of pension to Elizabeth C. Way;

A bill (S. 5194) granting an increase of pension to Charles L. Overley;

A bill (S. 5205) granting an increase of pension to Joseph Dickinson;

A bill (S. 5210) granting an increase of pension to William L. Beach;

A bill (S. 5213) granting an increase of pension to Theodore J. Widney;
 A bill (S. 5230) granting an increase of pension to John D. Inger;
 A bill (S. 5244) granting an increase of pension to John K. Whited;
 A bill (S. 5265) granting an increase of pension to James Stout;
 A bill (S. 5270) granting an increase of pension to Ellen R. Ostrander;
 A bill (S. 5282) granting an increase of pension to William P. Vohn;
 A bill (S. 5289) granting an increase of pension to Peter Baker;
 A bill (S. 5349) granting an increase of pension to Rebecca Aumen;
 A bill (S. 5372) granting an increase of pension to Jesse W. McGahan;
 A bill (H. R. 186) granting an increase of pension to Amalia C. Young;
 A bill (H. R. 187) granting a pension to Clarissa Wolcott;
 A bill (H. R. 683) granting an increase of pension to Thomas S. Strohecker;
 A bill (H. R. 737) granting an increase of pension to Albert Hemenway;
 A bill (H. R. 747) granting an increase of pension to George D. Totman;
 A bill (H. R. 748) granting an increase of pension to Eben H. Meader;
 A bill (H. R. 784) granting an increase of pension to Joseph Vactor;
 A bill (H. R. 785) granting an increase of pension to Henry C. Bobst;
 A bill (H. R. 902) granting an increase of pension to Isaac C. B. Suman;
 A bill (H. R. 965) granting an increase of pension to Franklin Webb;
 A bill (H. R. 1045) granting a pension to Matilda Witt;
 A bill (H. R. 1339) granting an increase of pension to Joseph P. Scott;
 A bill (H. R. 1480) granting an increase of pension to Edgar W. Thornton;
 A bill (H. R. 1903) granting an increase of pension to Claudius Tift;
 A bill (H. R. 2183) granting an increase of pension to Joseph A. Soule;
 A bill (H. R. 2367) granting a pension to Merton C. Sanborn;
 A bill (H. R. 2462) granting a pension to Martha Briscoe;
 A bill (H. R. 2940) granting an increase of pension to Hester A. Hanback;
 A bill (H. R. 2948) granting an increase of pension to John Wilson;
 A bill (H. R. 2994) granting an increase of pension to Minnie H. Eaton;
 A bill (H. R. 3265) granting an increase of pension to Catharine Cook;
 A bill (H. R. 3805) granting an increase of pension to Mary A. Disbrow;
 A bill (H. R. 3829) granting an increase of pension to Eben Fuller;
 A bill (H. R. 4044) granting a pension to William H. Slough;
 A bill (H. R. 4201) granting an increase of pension to Walker Wilson;
 A bill (H. R. 4583) granting a pension to Ella C. Baker;
 A bill (H. R. 4907) granting a pension to Henry A. Hartley;
 A bill (H. R. 5033) granting an increase of pension to Rowland J. Roberts;
 A bill (H. R. 5361) granting an increase of pension to Lucilius C. Moss;
 A bill (H. R. 5600) granting a pension to David Kimball;
 A bill (H. R. 5737) granting a pension to John Whitehead;
 A bill (H. R. 6343) granting an increase of pension to Harry Hirschensohn;
 A bill (H. R. 6610) granting an increase of pension to Samuel Hendrickson;
 A bill (H. R. 6697) granting an increase of pension to Luther F. Palmer;
 A bill (H. R. 7245) granting an increase of pension to Prescilla C. Dodd;
 A bill (H. R. 7471) granting an increase of pension to John Schade, sr.;
 A bill (H. R. 7502) granting an increase of pension to John W. Moore;
 A bill (H. R. 7985) granting a pension to Alice Jenifer;
 A bill (H. R. 8219) granting an increase of pension to William H. Broadwell;
 A bill (H. R. 8386) granting an increase of pension to Andrew Esdell;

A bill (H. R. 8464) granting a pension to Susan T. Bunch;
 A bill (H. R. 8469) granting a pension to Silas R. Harris;
 A bill (H. R. 8480) granting an increase of pension to Elijah Rearick;
 A bill (H. R. 8496) granting an increase of pension to Joseph Howard;
 A bill (H. R. 8498) granting an increase of pension to Jonathan Klengenfus;
 A bill (H. R. 8709) granting an increase of pension to James A. Porter;
 A bill (H. R. 8783) granting an increase of pension to Mary Ann Phipps;
 A bill (H. R. 8787) granting an increase of pension to Robert W. Brasher;
 A bill (H. R. 8822) granting a pension to Bird L. Francis;
 A bill (H. R. 8915) granting an increase of pension to Warren McCracken;
 A bill (H. R. 8921) granting an increase of pension to John McCollister;
 A bill (H. R. 8961) granting a pension to Frances E. Grisson;
 A bill (H. R. 9237) granting an increase of pension to John Ogden;
 A bill (H. R. 9388) granting an increase of pension to Lineus V. Vance;
 A bill (H. R. 9393) granting an increase of pension to Thomas P. Ryan;
 A bill (H. R. 9427) granting an increase of pension to Chester H. Buck;
 A bill (H. R. 9496) granting an increase of pension to Hester E. Bloor;
 A bill (H. R. 9516) granting an increase of pension to Henry Johnson;
 A bill (H. R. 9575) granting an increase of pension to John Donahoe;
 A bill (H. R. 9585) granting an increase of pension to Nelson McIntosh;
 A bill (H. R. 9687) granting an increase of pension to Alexander S. Hempstead;
 A bill (H. R. 9740) granting an increase of pension to William W. Newton;
 A bill (H. R. 9788) granting an increase of pension to George W. Blanchard;
 A bill (H. R. 9797) granting an increase of pension to Thomas Langridge;
 A bill (H. R. 9832) granting an increase of pension to Edwin M. Alden;
 A bill (H. R. 9839) granting an increase of pension to James A. Kemp;
 A bill (H. R. 9963) granting a pension to Grace Miller;
 A bill (H. R. 9969) granting an increase of pension to James Frederic;
 A bill (H. R. 9978) granting an increase of pension to Samuel Iverson;
 A bill (H. R. 10062) granting an increase of pension to Oscar Murray;
 A bill (H. R. 10126) granting an increase of pension to Job Throckmorton;
 A bill (H. R. 10169) granting an increase of pension to Isaac N. Flanagan;
 A bill (H. R. 10182) granting an increase of pension to Isaac Innis;
 A bill (H. R. 10270) granting a pension to Mary F. Kenaday;
 A bill (H. R. 10286) granting a pension to Ellen M. Malloy;
 A bill (H. R. 10288) granting a pension to Anna E. Harman;
 A bill (H. R. 10544) granting an increase of pension to Henry H. Rhoads;
 A bill (H. R. 10555) granting an increase of pension to William L. Gerard;
 A bill (H. R. 10642) granting an increase of pension to Garrett Stanley;
 A bill (H. R. 10699) granting an increase of pension to Henry J. Brockway;
 A bill (H. R. 10708) granting an increase of pension to Alfred A. Burrell;
 A bill (H. R. 11058) granting a pension to Mary Apple;
 A bill (H. R. 11063) granting an increase of pension to Robert L. McMurty;
 A bill (H. R. 11150) granting an increase of pension to Marvin A. Wixson;
 A bill (H. R. 11193) granting an increase of pension to Abbie W. Griffin;
 A bill (H. R. 11259) granting an increase of pension to George W. Stennett;
 A bill (H. R. 11293) granting an increase of pension to Frank Fuchs;
 A bill (H. R. 11776) granting a pension to Hugh Mooney;

A bill (H. R. 11308) granting an increase of pension to Silas T. Overstreet;
 A bill (H. R. 11315) granting an increase of pension to Christian Mott;
 A bill (H. R. 11468) granting an increase of pension to Edson G. Holcomb;
 A bill (H. R. 11487) granting an increase of pension to John Wybrant;
 A bill (H. R. 11536) granting an increase of pension to Mattie Graziani;
 A bill (H. R. 11576) granting an increase of pension to James E. Stalker;
 A bill (H. R. 11748) granting an increase of pension to Edward E. Curran;
 A bill (H. R. 11843) granting an increase of pension to William Hall;
 A bill (H. R. 11989) granting a pension to Emma C. Dougal;
 A bill (H. R. 12063) granting a pension to Edward H. Bennett;
 A bill (H. R. 12105) granting an increase of pension to James A. Lowe;
 A bill (H. R. 12164) granting an increase of pension to Joseph Davis;
 A bill (H. R. 12174) granting an increase of pension to John Smith;
 A bill (H. R. 12194) granting an increase of pension to Nathaniel Warren;
 A bill (H. R. 12199) granting an increase of pension to John Bramble;
 A bill (H. R. 12248) granting an increase of pension to Hezekiah Bruce;
 A bill (H. R. 12253) granting an increase of pension to Margaret Dilley;
 A bill (H. R. 12276) granting an increase of pension to Isaac W. Acker;
 A bill (H. R. 12277) granting an increase of pension to James A. Rapp;
 A bill (H. R. 12323) granting an increase of pension to Josiah Wood;
 A bill (H. R. 12398) granting an increase of pension to Samuel N. Johnson;
 A bill (H. R. 12400) granting a pension to Ellen Cain;
 A bill (H. R. 12413) granting an increase of pension to Timothy Haley;
 A bill (H. R. 12440) granting an increase of pension to Edward M. Shepard;
 A bill (H. R. 12480) granting an increase of pension to Henry J. Arnold;
 A bill (H. R. 12526) granting an increase of pension to Henry Ford;
 A bill (H. R. 12529) granting a pension to Sarah Greene;
 A bill (H. R. 12553) granting an increase of pension to Amaziah Havey;
 A bill (H. R. 12591) granting an increase of pension to Thomas Haydock;
 A bill (H. R. 12613) granting an increase of pension to Edward L. Haney;
 A bill (H. R. 12617) granting an increase of pension to Ezra V. Felton;
 A bill (H. R. 12652) granting an increase of pension to Mary L. Johnson;
 A bill (H. R. 12676) granting an increase of pension to James A. Barber;
 A bill (H. R. 12727) granting an increase of pension to Theodore Coonley;
 A bill (H. R. 12783) granting a pension to Harlen Scarlett;
 A bill (H. R. 12804) granting an increase of pension to Smith B. Mills;
 A bill (H. R. 12966) granting an increase of pension to Charles H. Lakey;
 A bill (H. R. 12992) granting an increase of pension to Henry Hiete;
 A bill (H. R. 12993) granting an increase of pension to John Hotchkiss;
 A bill (H. R. 13071) granting an increase of pension to John S. Whitmore;
 A bill (H. R. 13110) granting an increase of pension to George C. Birch;
 A bill (H. R. 13115) granting a pension to Sarah Van Alstine;
 A bill (H. R. 13142) granting an increase of pension to William M. Lang;
 A bill (H. R. 13178) granting a pension to Julius H. Rogge;
 A bill (H. R. 13190) granting a pension to Eveline Crouch Dunbar;
 A bill (H. R. 13196) granting an increase of pension to Fanny A. Hutchason;
 A bill (H. R. 13299) granting a pension to Edah A. Kittridge;

A bill (H. R. 13331) granting an increase of pension to John B. Mitchell;
 A bill (H. R. 13328) granting a pension to Martin R. Gentry;
 A bill (H. R. 13345) granting an increase of pension to Jeremiah Gill;
 A bill (H. R. 13363) granting an increase of pension to Benjamin L. Commons;
 A bill (H. R. 13364) granting an increase of pension to John Cook;
 A bill (H. R. 13371) granting an increase of pension to James T. Thompson;
 A bill (H. R. 13381) granting an increase of pension to John Calloway;
 A bill (H. R. 13405) granting an increase of pension to Harriet S. Gilbert;
 A bill (H. R. 13409) granting an increase of pension to Alfred Small;
 A bill (H. R. 13431) granting an increase of pension to Micajah Hill, alias Michael C. Hill;
 A bill (H. R. 13453) granting an increase of pension to Ezekiel Steel;
 A bill (H. R. 13461) granting an increase of pension to William Curtis;
 A bill (H. R. 13485) granting an increase of pension to William Glasgow;
 A bill (H. R. 13494) granting a pension to Cader B. Brent;
 A bill (H. R. 13518) granting an increase of pension to Chester R. Heath;
 A bill (H. R. 13527) granting an increase of pension to William Odenheimer;
 A bill (H. R. 13531) granting an increase of pension to Lyman L. Jones;
 A bill (H. R. 13543) granting an increase of pension to Henry Clay Hall;
 A bill (H. R. 13623) granting an increase of pension to Marion A. Carlile;
 A bill (H. R. 13643) granting an increase of pension to Joseph Welsh;
 A bill (H. R. 13650) granting an increase of pension to William J. Caldwell;
 A bill (H. R. 13669) granting an increase of pension to Mary E. Wyse;
 A bill (H. R. 13687) granting an increase of pension to Henry A. Davies;
 A bill (H. R. 13712) granting an increase of pension to Urbanus Hubbs;
 A bill (H. R. 13728) granting a pension to Isabella McDowell;
 A bill (H. R. 13729) granting a pension to Margaret W. Goodwin;
 A bill (H. R. 13743) granting an increase of pension to David C. Welch;
 A bill (H. R. 13744) granting an increase of pension to Frederick C. Abel;
 A bill (H. R. 13767) granting an increase of pension to Daniel Pew;
 A bill (H. R. 13792) granting an increase of pension to Ellenora Clavier;
 A bill (H. R. 13869) granting a pension to Sarah M. Greer;
 A bill (H. R. 13879) granting an increase of pension to Abraham S. Van Fleet;
 A bill (H. R. 13907) granting an increase of pension to John W. Hilton;
 A bill (H. R. 13937) granting a pension to George W. Litherland;
 A bill (H. R. 13958) granting an increase of pension to Eliza A. Moss;
 A bill (H. R. 14000) granting an increase of pension to Bradford A. Gehr;
 A bill (H. R. 14005) granting an increase of pension to George W. Jaques;
 A bill (H. R. 14016) granting an increase of pension to William Wheaton;
 A bill (H. R. 14017) granting a pension to Louis Voll;
 A bill (H. R. 14102) granting an increase of pension to Robert W. Foster;
 A bill (H. R. 14145) granting an increase of pension to Abel D. Brooks;
 A bill (H. R. 14149) granting a pension to David Wills;
 A bill (H. R. 14155) granting an increase of pension to George W. Kinsey;
 A bill (H. R. 14179) granting an increase of pension to Jesse Stinnett;
 A bill (H. R. 14270) granting an increase of pension to Loucinda M. Thompson;
 A bill (H. R. 14278) granting an increase of pension to Byron Bowers;

A bill (H. R. 14286) granting an increase of pension to Jennie L. Cardwell;
 A bill (H. R. 14306) granting an increase of pension to Martha Taylor;
 A bill (H. R. 14307) granting an increase of pension to Deverniah White;
 A bill (H. R. 14354) granting a pension to Peter Bunn;
 A bill (H. R. 14363) granting an increase of pension to Pochontas C. Monteiro;
 A bill (H. R. 14397) granting a pension to Mary E. Vanzant;
 A bill (H. R. 14409) granting an increase of pension to William F. McMillan;
 A bill (H. R. 14510) granting an increase of pension to Daniel M. Graves;
 A bill (H. R. 14517) granting a pension to Lillie A. Schoppaul;
 A bill (H. R. 14518) granting a pension to Henderson Evins;
 A bill (H. R. 14579) granting an increase of pension to Elizabeth J. Moore;
 A bill (H. R. 14598) granting a pension to Joseph Otis;
 A bill (H. R. 14658) granting an increase of pension to Juliana H. Barry; and
 A bill (H. R. 14693) granting an increase of pension to Susan A. Schell.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented memorials of sundry citizens of Washington, D. C.; of Brownsville, College View, Lincoln, Blue Springs, and Wymore, in the State of Nebraska, and of the Religious Liberty Association of the State of Michigan, remonstrating against the enactment of legislation to require certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented the petition of Alonzo O. Bliss, of Washington, D. C., and the petition of Frances Fairchild Abbott, of Washington, D. C., praying for the enactment of legislation to change the name of Thirteen-and-a-half street SW. to Linworth place; which were referred to the Committee on the District of Columbia.

Mr. NELSON presented a petition of sundry Afro-American citizens of St. Paul, Minn., praying that the nomination of W. D. Crum to be collector of the port of Charleston, S. C., be confirmed by the Senate; which was ordered to lie on the table.

Mr. BURNHAM presented a petition of Oliver W. Lull Relief Corps, No. 5, Department of New Hampshire, Grand Army of the Republic, of Milford, N. H., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented the petition of W. L. Melcher and sundry other citizens of Laconia, N. H., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of Local Union No. 151, Journeymen Barbers' International Union, of Manchester, N. H., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of St. Luke's Woman's Home Missionary Society, of West Derry, N. H., and a petition of the congregation of the Methodist Episcopal Church of West Derry, N. H., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. ANKENY presented a petition of Local Lodge No. 131, Carpenters and Joiners, of Seattle, Wash., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of Mount Pleasant Grange, Patrons of Husbandry, of Mount Pleasant, Wash., praying that increased appropriations be made for the maintenance of State agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

Mr. PROCTOR presented a petition of the Young People's Union of the Universalist Church of Chester, Vt., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Exposition; which was ordered to lie on the table.

He also presented a memorial of sundry business firms of Vermont, remonstrating against the enactment of legislation relative to the transportation of high explosives; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Young People's Christian Union of the Universalist Church of Chester, Vt., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HOAR presented a petition of the Woman's Club of Worcester, Mass., praying for the adoption of an amendment to the

Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Massachusetts Forestry Association, praying for the purchase of a national forest reserve in the White Mountains of New Hampshire; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Auburndale, Pittsfield, Boston, Holliston, Nonquitt, and Westfield, all in the State of Massachusetts; of Clifton Springs, Richfield Springs, Buffalo, and Rome, all in the State of New York; of Philadelphia, Pa.; of Vermont, and of Minnesota, praying that lands in severally be granted to the landless Indians of northern California; which was referred to the Committee on Indian Affairs.

Mr. HOPKINS presented a petition of Excelsior Grange, No. 825, Patrons of Husbandry, of Illinois, praying for the enactment of legislation giving the States control of imitation dairy products; which was ordered to lie on the table.

He also presented a petition of the Woman's Relief Corps of Albion, Ill., praying for the enactment of a service-pension law, and also to increase the pension of army nurses from \$12 to \$20; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Ridgway, Ill., and Litchfield, Ill., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of sundry citizens of Peoria, Ill., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

Mr. TELLER presented a petition of Byron Coudon Post, No. 105, Department of Colorado, Grand Army of the Republic, of Vernon, Colo., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Colorado City, Georgetown, and Boulder, all in the State of Colorado, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Artists' Club of Denver, Colo., and the Municipal Art League of Denver, Colo., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which was referred to the Committee on Appropriations.

He also presented a memorial of sundry merchants of Greeley, Colo., and a memorial of sundry merchants of Rico, Colo., remonstrating against the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Democratic Publishing Company, of Pueblo, Colo., praying for the enactment of legislation to establish a board or court of arbitration for the adjustment of disputes between capital and labor; which was referred to the Committee on Education and Labor.

He also presented a petition of the Chamber of Commerce and Board of Trade of Denver, Colo., praying for the enactment of legislation providing that the management of forest reserves and of all forests upon Government land be vested in the Bureau of Forestry of the Department of Agriculture; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BAILEY presented a petition of the Woman's Literary Club of Mason, Tex., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 1996) granting an increase of pension to William R. Williams, reported it with an amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the District of Columbia, reported sundry amendments to the bill (H. R. 5067) to prevent the fraudulent sale of merchandise, reported from the Committee on the District of Columbia on April 15 last, and submitted a report thereon.

He also, from the Committee on Public Lands, to whom was referred the bill (S. 5654) to open to homestead settlement and entry the relinquished and undisposed of portions of the Round Valley Indian Reservation, in the State of California, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 11444) to grant certain lands to the State of Ohio, reported it with an amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 5512) granting an increase of pension to John W. Carleton, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2212) granting a pension to Charles N. Wood;

A bill (S. 5514) granting an increase of pension to Samuel S. Lamson; and

A bill (S. 3742) granting an increase of pension to Juliet C. Bainbridge-Hoff.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1539) granting an increase of pension to Edward Shiflett;

A bill (S. 4767) granting an increase of pension to Henry Snidemiller; and

A bill (S. 3565) granting an increase of pension to Edgar Mumma.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3906) granting an increase of pension to James H. V. Voldo, alias James H. Venier; and

A bill (S. 424) granting a pension to George W. Lehman.

Mr. McCUMBER (for Mr. GIBSON), from the Committee on Pensions, to whom was referred the bill (S. 5450) granting an increase of pension to George R. Lingenfelter, reported it with an amendment, and submitted a report thereon.

He also (for Mr. GIBSON), from the same committee, to whom was referred the bill (S. 2287) granting an increase of pension to S. J. Brainard, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5531) granting an increase of pension to Catherine Jones;

A bill (S. 5501) granting an increase of pension to Sarah A. Rowe;

A bill (S. 4002) granting an increase of pension to Susan E. Armitage;

A bill (S. 3390) granting a pension to Emily E. Cram;

A bill (S. 5379) granting an increase of pension to Bird Solomon; and

A bill (S. 5378) granting an increase of pension to John H. Ash.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4070) granting an increase of pension to A. Fellenreiter; and

A bill (S. 2238) granting an increase of pension to William Strawn.

Mr. McCUMBER (for Mr. TALIAFERRO), from the Committee on Pensions, to whom was referred the bill (S. 5572) granting an increase of pension to Alafire Chastain, reported it with amendments, and submitted a report thereon.

He also (for Mr. TALIAFERRO), from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1208) granting an increase of pension to Samuel G. Magruder;

A bill (S. 5574) granting an increase of pension to Colon Thomas; and

A bill (S. 1207) granting an increase of pension to James D. Stewart.

Mr. McCUMBER (for Mr. PATTERSON), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3076) granting a pension to Arthur W. Post; and

A bill (S. 5496) granting an increase of pension to Jesse L. Sanders.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13605) granting an increase of pension to Elizabeth E. Conatt;

A bill (H. R. 15183) granting a pension to Ella F. Kennealy;

A bill (H. R. 15148) granting an increase of pension to Armour W. Patterson;

A bill (H. R. 15126) granting an increase of pension to Joseph A. Cox;

A bill (H. R. 11335) granting an increase of pension to John Trader;

A bill (H. R. 7497) granting a pension to Emma A. Webster;

A bill (H. R. 15076) granting an increase of pension to Lawrence Le Bron;

A bill (H. R. 5725) granting a pension to Grace Dressel;

A bill (H. R. 14512) granting an increase of pension to Thomas L. Sweeney;

A bill (H. R. 13592) granting an increase of pension to Stephen M. Ferguson;

A bill (H. R. 4771) granting a pension to Aaron Taylor;

A bill (H. R. 5012) granting an increase of pension to Jacob Reitzel;

A bill (H. R. 7373) granting a pension to Harriet J. Woodbury;

A bill (H. R. 14524) granting a pension to Jennie A. Brown;

A bill (H. R. 14521) granting an increase of pension to Samuel H. Phillips;

A bill (H. R. 14572) granting an increase of pension to Alexander P. Nelson;

A bill (H. R. 14541) granting an increase of pension to Azariah S. Elwood;

A bill (H. R. 14531) granting an increase of pension to Prince A. Gatchell;

A bill (H. R. 13805) granting a pension to Emma W. Hays;

A bill (H. R. 14859) granting an increase of pension to Matthais Ridenour;

A bill (H. R. 14001) granting an increase of pension to Leslie C. Armour;

A bill (H. R. 13816) granting a pension to Annie Hynes;

A bill (H. R. 12268) granting an increase of pension to Jane K. Carpenter;

A bill (H. R. 12604) granting a pension to Edward M. Fowler;

A bill (H. R. 6338) granting an increase of pension to Antoinette J. Sawyer;

A bill (H. R. 14631) granting a pension to William T. Spencer;

A bill (H. R. 14630) granting a pension to Augustus Finley, now known as Davis;

A bill (H. R. 14612) granting an increase of pension to Myron Imas;

A bill (H. R. 14611) granting a pension to William L. Beverly;

A bill (H. R. 14592) granting an increase of pension to Alfred B. Scovill;

A bill (H. R. 12629) granting a pension to Ida Diamond;

A bill (H. R. 7145) granting an increase of pension to Ambrose L. Hendee;

A bill (H. R. 2577) granting an increase of pension to Harmon P. Cole;

A bill (H. R. 14490) granting a pension to Degraphenreed P. McKinley;

A bill (H. R. 13490) granting an increase of pension to Henry Good;

A bill (H. R. 15204) granting an increase of pension to Mary Taggart;

A bill (H. R. 4152) granting an increase of pension to George B. Hartley;

A bill (H. R. 3924) granting an increase of pension to Ira Waldo;

A bill (H. R. 698) granting an increase of pension to William M. Crow;

A bill (H. R. 12402) granting a pension to Orson Burlingame;

A bill (H. R. 13636) granting a pension to George S. Noland;

A bill (H. R. 940) granting a pension to Oscar M. Parsons;

A bill (H. R. 1093) granting a pension to Rose B. Noa;

A bill (H. R. 11835) granting an increase of pension to Mercy J. Wilder;

A bill (H. R. 14464) granting an increase of pension to Elizabeth B. Yount;

A bill (H. R. 14437) granting an increase of pension to Daniel White;

A bill (H. R. 2976) granting an increase of pension to Enoch J. Evans;

A bill (H. R. 9107) granting a pension to Margaret J. Randolph;

A bill (H. R. 10285) granting an increase of pension to Henry McCreary;

A bill (H. R. 13586) granting an increase of pension to Abraham Harris;

A bill (H. R. 10284) granting a pension to Elizabeth Broomall;

A bill (H. R. 5711) granting an increase of pension to Jacob Chronister;

A bill (H. R. 14508) granting an increase of pension to John Brady;

A bill (H. R. 14484) granting an increase of pension to Charles W. Lee;

A bill (H. R. 14894) granting an increase of pension to John Gideon;

A bill (H. R. 14890) granting an increase of pension to Allen R. Harris;

A bill (H. R. 14884) granting an increase of pension to William Huffman;

A bill (H. R. 14882) granting a pension to Mary Dingler;

A bill (H. R. 14876) granting an increase of pension to Francis Stadler, jr.

A bill (H. R. 13437) granting a pension to William P. Crawford;

- A bill (H. R. 4572) granting an increase of pension to Peter Lander;
 A bill (H. R. 4379) granting an increase of pension to Alexander Adams;
 A bill (H. R. 13173) granting an increase of pension to Mary E. Houghton;
 A bill (H. R. 9365) granting an increase of pension to John S. Edgar;
 A bill (H. R. 4891) granting a pension to Julia R. Braxton;
 A bill (H. R. 14336) granting an increase of pension to Everton J. Conger;
 A bill (H. R. 14201) granting an increase of pension to James W. Smith;
 A bill (H. R. 8280) granting an increase of pension to James A. Morrison;
 A bill (H. R. 9901) granting a pension to John M. Stoner;
 A bill (H. R. 7085) granting an increase of pension to William Spiegelberg;
 A bill (H. R. 13373) granting an increase of pension to William W. Dennis;
 A bill (H. R. 9623) granting an increase of pension to Robert H. Betts;
 A bill (H. R. 3921) granting an increase of pension to Madison C. Staves;
 A bill (H. R. 9773) granting an increase of pension to Absalom Shilts;
 A bill (H. R. 9477) granting an increase of pension to George Smith;
 A bill (H. R. 14639) granting an increase of pension to Joseph J. Mead;
 A bill (H. R. 14702) granting a pension to Mary E. Dunford;
 A bill (H. R. 14641) granting a pension to Allan Dunning;
 A bill (H. R. 10851) granting an increase of pension to Nancy Smallwood;
 A bill (H. R. 10846) granting an increase of pension to Heinrich Erbstoesser;
 A bill (H. R. 9394) granting an increase of pension to Mary Leffler;
 A bill (H. R. 14870) granting an increase of pension to William Hougendobler;
 A bill (H. R. 13690) granting an increase of pension to Cephas H. John;
 A bill (H. R. 14802) granting an increase of pension to Thomas C. Wiley;
 A bill (H. R. 14801) granting a pension to John W. Shrader;
 A bill (H. R. 14747) granting an increase of pension to Symphorosa Bartley;
 A bill (H. R. 14638) granting an increase of pension to Park Avery;
 A bill (H. R. 12348) granting an increase of pension to John Pickering;
 A bill (H. R. 12861) granting an increase of pension to Bartlett J. Mingus;
 A bill (H. R. 14578) granting a pension to Edward Taylor;
 A bill (H. R. 12702) granting an increase of pension to Margaret G. Howarth;
 A bill (H. R. 12197) granting an increase of pension to Daniel M. Candor;
 A bill (H. R. 12006) granting an increase of pension to Amelia Coster;
 A bill (H. R. 12177) granting an increase of pension to Isaac W. Waters;
 A bill (H. R. 14511) granting an increase of pension to Robert R. Keys;
 A bill (H. R. 11086) granting an increase of pension to Charles W. Crary;
 A bill (H. R. 13000) granting an increase of pension to Robert Elliott;
 A bill (H. R. 9338) granting an increase of pension to Solon D. Moore;
 A bill (H. R. 11397) granting an increase of pension to William Leonard;
 A bill (H. R. 10334) granting an increase of pension to John S. Allison;
 A bill (H. R. 6049) granting an increase of pension to Peter B. Phillips;
 A bill (H. R. 11827) granting an increase of pension to Daniel Smith;
 A bill (H. R. 6537) granting an increase of pension to Benjamin F. Hawthorn;
 A bill (H. R. 1305) granting an increase of pension to Gilbert A. Kenney;
 A bill (H. R. 2124) granting an increase of pension to Henry J. Grannis;
 A bill (H. R. 14992) granting a pension to Phebe A. Daw;
 A bill (H. R. 14938) granting a pension to Francis Rogers;
 A bill (H. R. 13886) granting an increase of pension to Thomas Mahers;
 A bill (H. R. 14204) granting a pension to John B. Hobday;
 A bill (H. R. 11013) granting an increase of pension to William Flaig;
 A bill (H. R. 14637) granting an increase of pension to William Kimbrough;
 A bill (H. R. 13272) granting a pension to Delana A. Lynch;
 A bill (H. R. 4398) granting a pension to Ellen A. Wilson;
 A bill (H. R. 13404) granting a pension to Emanuel Peck;
 A bill (H. R. 13347) granting an increase of pension to William C. Crumbaugh;
 A bill (H. R. 11262) granting a pension to John Hegarty;
 A bill (H. R. 11336) granting an increase of pension to Samuel R. Hazen;
 A bill (H. R. 13391) granting an increase of pension to Garret I. Post;
 A bill (H. R. 8716) granting an increase of pension to Peter Creag r;
 A bill (H. R. 9354) granting an increase of pension to John Richmond;
 A bill (H. R. 11486) granting an increase of pension to Samuel B. Loewenstine;
 A bill (H. R. 11374) granting an increase of pension to William Wells;
 A bill (H. R. 5829) granting an increase of pension to Thomas Ellmaker;
 A bill (H. R. 6111) granting an increase of pension to Edwin A. Morris;
 A bill (H. R. 6718) granting an increase of pension to James E. Phillips;
 A bill (H. R. 2675) granting an increase of pension to Robert J. Tate;
 A bill (H. R. 2499) granting an increase of pension to Smith Bilderback;
 A bill (H. R. 3431) granting an increase of pension to William Basnett;
 A bill (H. R. 3036) granting an increase of pension to William H. Romaine;
 A bill (H. R. 740) granting an increase of pension to Ira Meserve;
 A bill (H. R. 4582) granting an increase of pension to John S. Miller;
 A bill (H. R. 934) granting an increase of pension to Frank Brock;
 A bill (H. R. 5309) granting an increase of pension to John McConnell;
 A bill (H. R. 4903) granting an increase of pension to Solomon F. Hallett;
 A bill (H. R. 14640) granting an increase of pension to Caroline McGimsey;
 A bill (H. R. 14636) granting an increase of pension to James R. Fletcher;
 A bill (H. R. 14343) granting an increase of pension to William Neuberger;
 A bill (H. R. 487) granting an increase of pension to Mary J. Waugh;
 A bill (H. R. 749) granting an increase of pension to Humphrey M. Glines;
 A bill (H. R. 4584) granting an increase of pension to Daniel A. Butler;
 A bill (H. R. 5535) granting a pension to Eliza Workman;
 A bill (H. R. 14308) granting an increase of pension to Archie C. Fisk;
 A bill (H. R. 14153) granting an increase of pension to Peter C. Wood;
 A bill (H. R. 14141) granting an increase of pension to King Kerley;
 A bill (H. R. 13911) granting an increase of pension to Calvin Hitt;
 A bill (H. R. 3107) granting an increase of pension to James E. Chappell;
 A bill (H. R. 6182) granting a pension to Erastus J. Horton;
 A bill (H. R. 10029) granting a pension to Charles E. Arnett;
 and
 A bill (H. R. 4602) granting an increase of pension to Helim Thompson.
 Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:
 A bill (S. 5558) granting an increase of pension to Susan C. Schroeder; and
 A bill (S. 5472) granting an increase of pension to Mary J. Weems.
 Mr. BALL, from the Committee on Pensions, to whom were re-

ferred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5589) granting an increase of pension to Mary E. Burrell; and

A bill (S. 5508) granting a pension to Abraham B. Miller.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 316) granting an increase of pension to Elmore Y. Chase, reported it with an amendment, and submitted a report thereon:

He also, from the same committee, to whom was referred the bill (S. 2972) granting an increase of pension to Thomas Boyle, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5346) granting an increase of pension to Amon A. Webster, reported it without amendment, and submitted a report thereon.

JUDICIAL DISTRICTS IN OREGON.

Mr. MITCHELL. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 285) to divide the State of Oregon into two judicial districts, to report it favorably with amendments, and I submit a report thereon. I ask for its present consideration as authorized by the committee.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the committee were, in section 11, page 6, line 5, to fill the first blank by inserting the word "first;" to fill the second by inserting the word "May," and at the end of the bill to strike out "1904" and insert "1905;" so as to make the section read:

That this act shall take effect on the 1st day of May, 1905.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VENEZUELAN CLAIMS COMMISSION.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Department of State 500 copies of the report of the agent of the United States before the United States and Venezuelan Claims Commission, organized under the protocol of February 17, 1903.

REFERENCE OF CLAIMS TO THE COURT OF CLAIMS.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 4459) for the relief of John Christie, in his own right and as administrator of the estate of Daniel Christie, deceased;

A bill (S. 4461) for the relief of the estate of Joseph Brugere, deceased;

A bill (S. 4462) for the relief of the estate of Clarisse Donato, deceased;

A bill (S. 4498) for the relief of the estate of Mathew Brown, deceased;

A bill (S. 4542) for the relief of the estate of Benjamin Adams, deceased;

A bill (S. 4929) for the relief of Emily E. Bishop;

A bill (S. 4959) for the relief of the estate of J. N. Chambers, deceased;

A bill (S. 4960) for the relief of the estate of Mrs. Ann Chambers, deceased;

A bill (S. 4963) for the relief of the estate of Jean Pierre Landry, deceased;

A bill (S. 4964) for the relief of the estate of James L. Pearce, deceased;

A bill (S. 4965) for the relief of Lydia E. Delavenne and the estate of Joseph O. Prosdame, deceased;

A bill (S. 4966) for the relief of the estate of Pierre Lement, deceased;

A bill (S. 4520) for the relief of the estate of Mrs. M. L. Holt, deceased, Mrs. Jane E. Cannon, and Mrs. L. B. Shipp;

A bill (S. 4523) for the relief of the estate of James Roach, deceased;

A bill (S. 4978) for the relief of the estate of Jean Baptiste Lazare, deceased;

A bill (S. 4979) for the relief of the estate of Euphemie Lemelle, deceased;

A bill (S. 4984) for the relief of Mrs. Sophia H. Fitts;

A bill (S. 4987) for the relief of the estate of Joseph Wilson, deceased;

A bill (S. 4967) for the relief of the estate of Alexander Lemelle, deceased;

A bill (S. 4971) for the relief of the heirs of Adeliza Pickett Quays, deceased;

A bill (S. 4975) for the relief of Alphonse Menillon;

A bill (S. 4977) for the relief of the estate of Rigobert Lemelle, deceased;

A bill (S. 4467) for the relief of the estate of Alexander Roth, deceased;

A bill (S. 5018) for the relief of Elam C. Cooper;

A bill (S. 5165) for the relief of heirs of William D. Bard, deceased, Robert Batey, and heirs of John Hill, deceased;

A bill (S. 3756) for the relief of James Henderson;

A bill (S. 3806) for the relief of Mrs. A. T. Mason;

A bill (S. 3817) for the relief of the estates of W. R. Brown and Mrs. Elmyra Brown, deceased;

A bill (S. 3818) for the relief of the estate of Lucy J. Boyle, deceased;

A bill (S. 3820) for the relief of Eli C. Brown;

A bill (S. 4443) for the relief of the estate of John Chandler, deceased;

A bill (S. 4457) for the relief of the estate of John H. Ellis, deceased;

A bill (S. 607) for the relief of M. A. Reinhart;

A bill (S. 1173) for the relief of the estate of Adaline L. Hebron, deceased;

A bill (S. 2592) for the relief of the estate of Robert N. Blake, deceased;

A bill (S. 2602) for the relief of Florville Kerlegan;

A bill (S. 2623) for the relief of David W. Hollis;

A bill (S. 617) for the relief of the estate of John M. Hawkins, deceased;

A bill (S. 1105) for the relief of Mrs. Julia A. Thomas;

A bill (S. 1108) for the relief of the estate of Mrs. Elizabeth Hull Wellford, deceased;

A bill (S. 1142) for the relief of Caleb Perkins;

A bill (S. 4832) for the relief of the estate of Catharine R. Moore, deceased;

A bill (S. 4833) for the relief of the estate of Mary Ann Goodwyn, deceased;

A bill (S. 2739) for the relief of the widow and heirs at law of Charles Wilkes, deceased, late a rear-admiral in the United States Navy;

A bill (S. 870) for the relief of the estate of George Smith, deceased;

A bill (S. 912) for the relief of W. O. Donovan and the heirs of Lizzie M. Donovan, deceased;

A bill (S. 1845) for the relief of Bettie Eppes Minetree, sole heir of John W. Eppes, deceased;

A bill (S. 1883) for the relief of the estate of Isaac Burnett, deceased;

A bill (S. 3579) for the relief of the estate of C. L. Davis, deceased;

A bill (S. 1890) for the relief of Lucy B. Legrande, Catharine Jameson, Elizabeth H. Lester, Shirley B. Shackelford, Edwin A. Gibson, and the heirs of Henry Shackelford, deceased;

A bill (S. 4927) for the relief of the legal representatives of the firm of Brown & Bryant;

A bill (S. 4926) for the relief of the legal representatives of Abraham Stevens, deceased;

A bill (S. 4925) for the relief of the legal representatives of Samuel R. Grundy, deceased;

A bill (S. 4924) for the relief of the legal representatives of Richard M. Robinson, deceased;

A bill (S. 4913) for the relief of the Cape Fear and People's Steamboat Company;

A bill (S. 4912) for the relief of Thomas S. Lutterloh;

A bill (S. 44) for the relief of John N. Boffinger;

A bill (S. 2138) for the relief of the legal representatives of Margaret A. Russell, deceased;

A bill (S. 4929) for the relief of the heirs at law of Robert D. Salmons, deceased;

A bill (S. 5079) for the relief of the legal representatives of John H. Caldwell, deceased;

A bill (S. 5080) for the relief of the legal representative of William Fitzpatrick, deceased;

A bill (S. 5081) for the relief of the legal representatives of the firm of Radley & Showers;

A bill (S. 5082) for the relief of the legal representative of William R. Boice, deceased;

A bill (S. 5083) for the relief of George D. Martin;

A bill (S. 5084) for the relief of the Louisville and Nashville Turnpike Company, and for other purposes;

A bill (S. 5011) for the relief of the estate of John C. Reed;

A bill (S. 5010) for the relief of John G. Holloway, deceased, and others;

A bill (S. 4928) for the relief of Anna E. Pennebaker, widow of Charles D. Pennebaker, deceased;

A bill (S. 5085) for the relief of the legal representatives of Oscar H. Burbridge, deceased;

A bill (S. 4909) for the relief of Hampton L. Lee and T. D. Chouteau;
 A bill (S. 1467) for the relief of J. S. Neal;
 A bill (S. 2898) for the relief of G. W. Ebert;
 A bill (S. 4908) for the relief of Joab Lawrence;
 A bill (S. 4910) for the relief of Jacob Kern;
 A bill (S. 4911) for the relief of the firm of Walbridge, Holland & Brown;
 A bill (S. 4168) for the relief of the officers of the Seventeenth Kentucky Cavalry Volunteers during the civil war;
 A bill (S. 4962) for the relief of the estate of Thomas C. Gibbons, deceased;
 A bill (S. 5347) for the relief of Arthur Taylor;
 A bill (S. 5201) for the relief of the estate of Vincent Avet, deceased, and Mrs. Victorie C. Avet;
 A bill (S. 5248) for the relief of the estate of Camile Berard, deceased;
 A bill (S. 5249) for the relief of Augustin Lastrappes;
 A bill (S. 5250) for the relief of the estate of Jacob H. Morrison, deceased;
 A bill (S. 3669) for the relief of the estate of Isham G. Bailey, deceased;
 A bill (S. 5189) for the relief of the firm of McNaught, Ormond & Co.;
 A bill (S. 5582) for the relief of Daniel J. Snow;
 A bill (S. 1186) for the relief of the estates of Robert Bradley and Mary C. Bradley, deceased;
 A bill (S. 992) for the relief of Mary Ann Jackson;
 A bill (S. 1039) for the relief of Alice G. Boogher, nee Newman, and Anna Holmes, nee Newman;
 A bill (S. 4354) for the relief of the estate of Evan Cook, deceased;
 A bill (S. 4943) for the relief of the heirs of Jacob Allen, deceased;
 A bill (S. 4521) for the relief of the heirs of Vernon H. Johnston, deceased;
 A bill (S. 3670) for the relief of the estate of Richmond Pace, deceased;
 A bill (S. 1152) for the relief of G. B. Harper and J. S. Clearman, executors of W. L. Clearman, deceased;
 A bill (S. 5350) for the relief of the estate of William McBride, deceased;
 A bill (S. 3234) for the relief of the heirs of William Wesley Turner, deceased;
 A bill (S. 996) for the relief of the heirs of Augustus Catchings;
 A bill (S. 1049) for the relief of Maria A. White;
 A bill (S. 750) for the relief of Elizabeth B. Eddy;
 A bill (S. 3256) for the relief of the heirs of B. T. Edwards, deceased;
 A bill (S. 596) for the relief of the estate of Calvin B. Cunningham, deceased;
 A bill (S. 1075) for the relief of U. Lunenburger;
 A bill (S. 1022) for the relief of James H. Knox;
 A bill (S. 1127) for the relief of the legal representatives of Oscar L. Dewees, deceased;
 A bill (S. 1176) for the relief of Henry Jones;
 A bill (S. 4735) for the relief of the heirs of William J. Bailey, deceased;
 A bill (S. 1167) for the relief of the estate of Isaac Jones, deceased;
 A bill (S. 2099) for the relief of Edward H. Delahay;
 A bill (S. 512) for the relief of N. F. Edmonds;
 A bill (S. 1745) for the relief of the estate of William B. Waldron, deceased;
 A bill (S. 4447) for the relief of Dr. William O. Robards;
 A bill (S. 4310) for the relief of the estate of Hugh Davis, deceased;
 A bill (S. 3445) for the relief of James Boro, Mary Boro, and the estate of James Boro, deceased;
 A bill (S. 2701) for the relief of the heirs of Bosman Lyons, deceased;
 A bill (S. 2601) for the relief of the estate of Rosemond Le Blanc, deceased;
 A bill (S. 2702) for the relief of the estates of Joseph Devezin Olivier and Celeste Olivier, deceased;
 A bill (S. 4743) for the relief of the estate of Andrew J. Gill, deceased;
 A bill (S. 1159) for the relief of the estate of Mrs. Sarah T. Jarratt or her legal representatives;
 A bill (S. 5595) for the relief of the estate of Roger A. Francis;
 A bill (S. 2100) for the relief of S. Sollers Maynard, executor of Augustine D. O'Leary, deceased;
 A bill (S. 4373) for the relief of the estate of William R. Wimbish;
 A bill (S. 2098) for the relief of Mrs. S. C. Mitchell;

A bill (S. 4847) for the relief of Cornelia Jones, widow and executrix of John L. T. Jones, late of Montgomery County, Md.;
 A bill (S. 2787) for the relief of the estate of John B. Brown, deceased;
 A bill (S. 4360) for the relief of Robert M. Wilkinson, administrator of the estate of Samuel Marsh;
 A bill (S. 874) for the relief of William A. Wroe;
 A bill (S. 2066) for the relief of James Matthews, receiver;
 A bill (S. 53) for the relief of Harriet L. Young, administratrix of the estate of Solomon Young, deceased;
 A bill (S. 2599) for the relief of the estate of Archibald D. Palmer, deceased;
 A bill (S. 2045) for the relief of Catherine B. Jones;
 A bill (S. 5283) for the relief of the estate of Alexander C. Crawford, deceased;
 A bill (S. 1465) for the relief of the drafted men of Pendleton and other counties, in the State of Kentucky;
 A bill (S. 5069) for the relief of John Cover;
 A bill (S. 4016) for the relief of John Moriarty;
 A bill (S. 1337) for the relief of Sarah McClay, administratrix of Robert McClay, deceased;
 A bill (S. 2732) for the relief of occupants and owners of property at Camp Tyler, in Cook County, Ill.;
 A bill (S. 2412) for the relief of George A. Russell, administrator of Stephen Chadwick, deceased;
 A bill (S. 2553) for the relief of the estate of Reese Brabson, deceased;
 A bill (S. 5460) for the relief of John R. Neill;
 A bill (S. 2205) for the relief of the legal representatives of John D. Thorne, deceased;
 A bill (S. 1351) for the relief of the legal representatives of Alfred A. Fisher, deceased;
 A bill (S. 4082) for the relief of L. T. Oglesby;
 A bill (S. 4055) for the relief of the estate of William A. Bowen, deceased;
 A bill (S. 1485) for the relief of Eugene Augustin Bourcy;
 A bill (S. 2704) for the relief of Mrs. Kate T. McCulloch, the estate of Mrs. Mary Tucker McFarland, deceased, and the estate of Nathan Trotter, deceased;
 A bill (S. 3927) for the relief of the estates of Celeste Belanger Tanner and Lemuel Tanner, deceased;
 A bill (S. 4957) for the relief of the estate of Romain Verdun, deceased;
 A bill (S. 5312) for the relief of W. H. Bucklin;
 A bill (S. 3962) for the relief of the estate of Antoine Decuir, deceased;
 A bill (S. 3446) for the relief of James E. Meacham;
 A bill (S. 2056) for the relief of D. K. Ponder;
 A bill (S. 3221) to reimburse the legal heirs of the late John George Bauer;
 A bill (S. 1706) for the relief of Joshua Sherwood and Elizabeth Gray;
 A bill (S. 4179) for the relief of Susan Sanders;
 A bill (S. 4950) for the relief of the estate of John C. McNeill, deceased;
 A bill (S. 4065) for the relief of Christopher McDonald, executor of Michael Callaghan, deceased;
 A bill (S. 3127) for the relief of G. W. Ratleff;
 A bill (S. 3134) for the relief of Thomas D. Ruffin;
 A bill (S. 770) for the relief of Kelles Chewing;
 A bill (S. 2607) for the relief of E. M. A. Owen;
 A bill (S. 4309) for the relief of William E. Anderson;
 A bill (S. 1155) for the relief of the estate of Alexander Hutchinson, deceased;
 A bill (S. 5395) for the relief of William H. Thompson, Ada A. Thompson, Andy Thompson, M. D. Thompson, Jessie D. Guthrie, and C. R. Guthrie;
 A bill (S. 2606) for the relief of G. D. Hearn;
 A bill (S. 5196) for the relief of the estates of Philip McGuire and Catherine McGuire, deceased;
 A bill (S. 4976) for the relief of Robert Norris;
 A bill (S. 43) for the relief of Miss L. V. Belt, administratrix of Alfred C. Belt, deceased;
 A bill (S. 1943) for the relief of Mrs. Gabriella Chancellor;
 A bill (S. 5434) for the relief of W. J. Sawyers, heir of W. H. Stringer, deceased;
 A bill (S. 2023) for the relief of the legal representatives of Elijah Shatto, deceased;
 A bill (S. 5435) for the relief of the estate of Thomas C. Hawley, deceased;
 A bill (S. 1542) for the relief of James M. Stephenson;
 A bill (S. 1630) for the relief of Lafayette D. Settle, administrator of Marcus Settle, deceased;
 A bill (S. 2597) for the relief of the estate of Eliza Turner, deceased, Richard H. Turner, and Eliza Turner;

A bill (S. 2790) for the relief of Isabella R. Napier;
 A bill (S. 943) for the relief of J. G. and I. N. Day;
 A bill (S. 504) for the relief of the Baltimore and Ohio Railroad Company;
 A bill (S. 2608) for the relief of the heirs and legal representatives of George R. Johnson, deceased;
 A bill (S. 5050) for the relief of George H. Bellamy, administrator of the estate of John H. Thees, deceased;
 A bill (S. 2588) for the relief of Gilbert Vandenberg;
 A bill (S. 4116) for the relief of the estate of Rudolph Lobsiger, deceased;
 A bill (S. 4147) for the relief of the heirs of Mary C. Stirling and Ruffin G. Stirling, both deceased; and S. C. Stirling, H. R. Stirling, and J. Anna Stirling, administratrix of W. R. Stirling, deceased;
 A bill (S. 1840) for the relief of the estate of Henry Fitzhugh, deceased;
 A bill (S. 2024) for the relief of Cass County, Mo.;
 A bill (S. 1470) for the relief of Belle M. Robards;
 A bill (S. 737) for the relief of Ste. Genevieve County, Mo.;
 A bill (S. 5278) for the relief of Gertrude O'Bannon, of Hunt County, Tex.;
 A bill (S. 4463) for the relief of the estate of Belot Augusta Donato, deceased;
 A bill (S. 5620) to pay the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the civil war;
 A bill (S. 5634) for the relief of the legal representatives of James Rainey, deceased;
 A bill (S. 5633) for the relief of the legal representatives of Armand Heine, deceased, and Michel Heine;
 A bill (S. 5198) for the relief of Marie Annette Bouligny and François Bouligny;
 A bill (S. 5649) for the relief of the owners of the steamboat *Bee*, or their personal representatives;
 A bill (S. 4974) for the relief of Lucien Meullon;
 A bill (S. 5199) for the relief of the estate of Joseph A. Landry, deceased; and
 A bill (S. 5197) for the relief of the estate of Pierre Z. Doucet, deceased—
 Reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims of John Christie, in his own right and as administrator of the estate of Daniel Christie, deceased (S. 4459); estate of Joseph Brugere, deceased (S. 4461); estate of Clarisse Donato, deceased (S. 4462); estate of Mathew Brown, deceased (S. 4498); estate of Benjamin Adams, deceased (S. 4542); Emily E. Bishop (S. 4939); estate of J. N. Chambers, deceased (S. 4959); estate of Mrs. Ann Chambers, deceased (S. 4960); estate of Jean Pierre Landry, deceased (S. 4963); estate of James L. Pearce, deceased (S. 4934); Lydia E. Delavanne, and the estate of Joseph O. Prosadame, deceased (S. 4965); estate of Pierre Lement, deceased (S. 4966); estate of Mrs. M. L. Holt, deceased, Mrs. Jane E. Cannon, and Mrs. L. B. Shipp (S. 4520); estate of James Roach, deceased (S. 4523); estate of Jean Baptiste Lazare, deceased (S. 4978); estate of Euphemie Lemelle, deceased (S. 4979); Mrs. Sophia H. Fitts (S. 4984); estate of Joseph Wilson, deceased (S. 4987); estate of Alexander Lemelle, deceased (S. 4967); heirs of Adeliza Pickett Quays, deceased (S. 4971); Alphonse Meullon (S. 4975); estate of Rigobert Lemelle, deceased (S. 4977); estate of Alexander Roth, deceased (S. 4467); Elam C. Cooper (S. 5018); heirs of William D. Bard, deceased; Robert Batey, and heirs of John Hill, deceased (S. 5165); James Henderson (S. 3756); Mrs. A. T. Mason (S. 3806); estates of W. R. Brown and Mrs. Elmyra Brown, deceased (S. 3817); estate of Lucy J. Boyle, deceased (S. 3818); Eli C. Brown (S. 3820); estate of John Chandler, deceased (S. 4443); estate of John H. Ellis, deceased (S. 4457); M. A. Reinhart (S. 607); estate of Adaline L. Hebron, deceased (S. 1173); estate of Robert N. Blake, deceased (S. 2582); Florville Kerlegan (S. 2802); David W. Hollis (S. 2623); estate of John M. Hawkins, deceased (S. 617); Mrs. Julia A. Thomas (S. 1105); estate of Mrs. Elizabeth Hull Wellford, deceased (S. 1108); Caleb Perkins (S. 1142); estate of Catharine R. Moore, deceased (S. 4832); estate of Mary Ann Goodwyn, deceased (S. 4883); widow and heirs at law of Charles Wilkes, deceased, late a rear-admiral in the United States Navy (S. 2730); estate of George Smith, deceased (S. 870); W. O. Donovan and the heirs of Lizzie M. Donovan, deceased (S. 912); Bettie Eppes Minetree, sole heir of John W. Eppes, deceased (S. 1845); estate of Isaac Burnett, deceased (S. 1883); estate of C. L. Davis, deceased (S. 3579); Lucy B. Legrande, Catharine Jameson, Elizabeth H. Lester, Shirley B. Shackelford, Edwin A. Gibson, and the heirs of Henry Shackelford, deceased (S. 1890); legal representatives of the firm of Brown & Bryant (S. 4927); legal representatives of Abraham Stevens, deceased (S. 4924); legal representatives of Samuel R. Grundy, deceased (S. 4925); legal representatives of Richard M. Robinson, deceased (S. 4924); Cape Fear and People's Steamboat Company (S. 4913); Thomas S. Lutterloh (S. 4912); John N. Boffinger (S. 44); legal representatives of Margaret A. Russell, deceased (S. 2138); heirs at law of Robert D. Salmons, deceased (S. 49.9); legal representatives of John H. Caldwell, deceased (S. 5079); legal representatives of William Fitzpatrick, deceased (S. 5080); legal representatives of the firm of Radley & Showers (S. 5081); legal representatives of William R. Boice, deceased (S. 5082); George D. Martin (S. 5083); Louisville and Nashville Turnpike Company (S. 5084); estate of John C. Reed (S. 5011); John G. Holloway, deceased, and others (S. 5010); Anna E. Pennebaker, widow of Charles D. Pennebaker, deceased (S. 4928); legal representatives of Oscar H. Burbridge, deceased (S. 5085); Hampton L. Lee and T. D. Chouteau (S. 4909); J. N. Neal (S. 1467); G. W. Ebert (S. 2688); Jacob Lawrence (S. 4908); Jacob Kern (S. 4910); firm of Wallbridge, Holland & Brown (S. 4911); officers of the Seventeenth Kentucky Cavalry Volunteers during the civil war (S. 4168); estate of Thomas C. Gibbons, deceased (S. 4962); Arthur Taylor (S. 5247); estate of Vincent Avet, deceased, and Mrs. Victorice C. Avet (S. 5201); estate of Camille Bernard, deceased (S. 5248); Augustin Las-trappes (S. 5249); estate of Jacob H. Morrison, deceased (S. 5250); estate of Isham G. Bailey, deceased (S. 3669); firm of McNaught, Ormond & Co. (S. 5189); Daniel J. Snow (S. 5582); estates of Robert Bradley and Mary C. Bradley, deceased (S. 1186); Mary Ann Jackson (S. 992); Alice G. Boogher, née Newman, and Anna Holmes, née Newman (S. 1089); estate of Evan Cook, deceased (S. 4354); heirs of Jacob Allen, deceased (S. 4943); heirs of Vernon H. Johnston,

deceased (S. 4521); estate of Richmond Pace, deceased (S. 3670); C. B. Harper and J. S. Clearman, executors of W. L. Clearman, deceased (S. 1152); estate of William McBride, deceased (S. 5350); heirs of William Wesley Turner, deceased (S. 3234); heirs of Augustus Catchings (S. 996); Maria A. White (S. 1049); Elizabeth B. Eddy (S. 750); heirs of B. T. Edwards, deceased (S. 3255); estate of Calvin B. Cunningham, deceased (S. 596); U. Lumburger (S. 1075); James H. Knox (S. 1022); legal representatives of Oscar L. Dewees, deceased (S. 1127); Henry Jones (S. 1176); heirs of William J. Bailey, deceased (S. 4735); estate of Isaac Jones, deceased (S. 1167); Edward H. Delahay (S. 2099); N. F. Edmonds (S. 512); estate of William B. Waldron, deceased (S. 1745); Dr. William O. Robards (S. 4447); estate of Hugh Davis, deceased (S. 4310); James Boro, Mary Boro, and the estate of James Boro, deceased (S. 3145); heirs of Bosman Lyons, deceased (S. 2701); estate of Rosemond Le Blanc, deceased (S. 2001); estates of Joseph Devezin Olivier and Celeste Olivier, deceased (S. 2702); estate of Roger A. Francis (S. 5595); estate of Andrew J. Gill, deceased (S. 4743); estate of Mrs. Sarah T. Jarratt or her legal representatives (S. 1159); S. Sollers Maynard, executor of Augustine D. O'Leary, deceased (S. 2100); estate of William R. Wimbish (S. 4375); Mrs. S. C. Mitchell (S. 2088); Cornelia Jones, widow and executrix of John L. T. Jones, late of Montgomery County, Md. (S. 4847); estate of John B. Brown, deceased (S. 2787); Robert M. Wilkinson, administrator of the estate of Samuel Marsh (S. 4360); William A. Wroe (S. 874); James Matthews, receiver (S. 2066); Harriet L. Young, administratrix of the estate of Solomon Young, deceased (S. 53); estate of Archibald D. Palmer, deceased (S. 2559); Catherine B. Jones (S. 2045); estate of Alexander C. Crawford, deceased (S. 5283); drafted men of Pendleton and other counties in the State of Kentucky (S. 1465); John Cover (S. 5009); John Moriarty (S. 4016); Sarah McClay, administratrix of Robert McClay, deceased (S. 1337); occupants and owners of property at Camp Tyler, in Cook County, Ill. (S. 2732); George A. Russell, administrator of Stephen Chadwick, deceased (S. 2412); estate of Reese Brabson, deceased (S. 2553); John R. Neill (S. 5460); legal representatives of John D. Thorne, deceased (S. 2235); legal representatives of Alfred A. Fisher, deceased (S. 1351); L. T. Oglesby (S. 4082); estate of William A. Bowen, deceased (S. 4055); Eugene Augustin Bourcy (S. 1485); Mrs. Kate T. McCulloch, the estate of Mrs. Mary Tucker McFarland, deceased, and the estate of Nathan Trotter, deceased (S. 2704); estate of Celeste Belanger Tanner and Lemuel Tanner, deceased (S. 3927); estate of Romain Verdun, deceased (S. 4957); W. H. Bucklin (S. 5312); estate of Antoine Decuir, deceased (S. 3062); James E. Meacham (S. 3446); D. K. Ponder (S. 2056); legal heirs of the late John George Bauer (S. 3221); Joshua Sherwood and Elizabeth Gray (S. 1706); Susan Sanders (S. 4179); estate of John C. McNeill, deceased (S. 4950); Christopher McDonald, executor of Michael Callaghan, deceased (S. 4065); G. W. Ratleff (S. 3127); Thomas D. Ruffin (S. 3134); Kelles Chevrning (S. 770); E. M. A. Owen (S. 2907); William E. Anderson (S. 4309); estate of Alexander Hutchinson, deceased (S. 1155); William H. Thompson, Ada A. Thompson, Andy Thompson, M. D. Thompson, Jessie D. Guthrie, and C. R. Guthrie (S. 5395); G. D. Hearn (S. 2906); estates of Philip McGuire and Catherine McGuire, deceased (S. 5196); Robert Norris (S. 4976); Miss L. V. Belt, administratrix of Alfred C. Belt, deceased (S. 43); Mrs. Gabriella Chancellor (S. 1943); James M. Stephenson (S. 1542); W. J. Sawyers, heir of W. H. Stringer, deceased (S. 5434); legal representatives of Elijah Shatto, deceased (S. 2023); estate of Thomas C. Hawley, deceased (S. 5435); Lafayette D. Settle, administrator of Marcus Settle, deceased (S. 1630); Isabella R. Napier (S. 2790); estate of Eliza Turner, deceased, Richard H. Turner, and Eliza Turner (S. 2597); J. G. and I. N. Day (S. 943); Baltimore and Ohio Railroad Company (S. 504); heirs and legal representatives of George R. Johnson, deceased (S. 2608); George H. Bellamy, administrator of the estate of John H. Thees, deceased (S. 5050); Gilbert Vandenberg (S. 2588); estate of Rudolph Lobsiger, deceased (S. 4116); heirs of Mary C. Stirling and Ruffin G. Stirling, both deceased, and S. C. Stirling, H. R. Stirling, and J. Anna Stirling, administratrix of W. R. Stirling, deceased (S. 4147); estate of Henry Fitzhugh, deceased (S. 1840); Cass County, Mo. (S. 2024); Belle M. Robards (S. 1470); Ste. Genevieve County, Mo. (S. 737); Gertrude O'Bannon, of Hunt County, Tex. (S. 5278); estate of Belot Augusta Donato, deceased (S. 4463); State of Nevada for moneys advanced in aid of the suppression of the rebellion in the civil war (S. 5620); legal representatives of James Rainey, deceased (S. 5634); legal representatives of Armand Heine, deceased, and Michel Heine (S. 5633); Marie Annette Bouligny and François Bouligny (S. 5198); owners of the steamboat *Bee* or their personal representatives (S. 5649); Lucien Meullon (S. 4974); estate of Joseph A. Landry, deceased (S. 5199); estate of Pierre Z. Doucet, deceased (S. 5197); now pending in the Senate, together with all the accompanying papers, be, and the same are hereby referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the "Tucker Act." And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

ASSAY OFFICE AT PORTLAND, OREG.

Mr. HANSBROUGH. I am directed by the Committee on Finance, to whom was referred the bill (S. 280) to establish an assay office at Portland, Oreg., to report it favorably without amendment.

Mr. MITCHELL. I ask for the present consideration of the bill. It is very short.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to establish an assay office of the United States at Portland, Oreg., to be conducted under the provisions of the act entitled "An act revising and amending the laws relating to the mints and assay offices and the coinage of the United States," approved February 12, 1873. The officers of the assay office shall be an assayer in charge, at a salary of \$2,250 per annum, who shall also perform the duties of melter; and chief clerk, at a salary of \$1,400 per annum. The Secretary of the Treasury is authorized to rent a suitable building for the use of the assay office; and the bill appropriates \$15,000 for salary of assayer in charge, chief clerk, and wages of workmen, rent, and contingent expenses.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. WARREN introduced a bill (S. 5655) granting an increase of pension to Cornelia M. Claggett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 5656) for the relief of the

heirs and personal representatives of Peter D. Posey, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BARD introduced a bill (S. 5657) granting an increase of pension to Hannah Hill; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 5658) for the relief of Bates & Despard and Despard Brothers; which was read twice by its title, and referred to the Committee on Claims.

Mr. McLAURIN introduced a bill (S. 5659) for the relief of the estate of Eliza J. Mahon; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 5660) granting a pension to James McDonald; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5661) granting an increase of pension to Daniel B. Bush; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

PRESERVATION OF HISTORIC AND PREHISTORIC RUINS, ETC.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (S. 5603) for the preservation of historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and to prevent their counterfeiting; which was ordered to lie on the table, and be printed.

ADDITIONAL LAND FOR GOVERNMENT HOSPITAL FOR INSANE.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia be, and the same is hereby, authorized and directed, by subcommittee or otherwise, to make a careful investigation as to the advisability of acquiring for the Government Hospital for the Insane, by purchase, condemnation, or exchange of land, lots Nos. 15, 16, and 17 and such parts of lots 18 and 19 as lie north of the ravine which runs from Nichols avenue, near the Congress Heights school-house, to the river, in the District of Columbia, being the tracts or parcels of land referred to and described in the act of Congress approved on the 3d day of March, 1901; and also the small triangular parcel of land lying between the southern boundary of said hospital grounds and Wilson Park, known as the Brooke tract, and to report to Congress at its next session such recommendations as said committee may deem proper.

EMPLOYMENT OF MESSENGER.

Mr. SMOOT submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Select Committee on Standards, Weights, and Measures be, and it is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate at the rate of \$1,440 per annum, until otherwise provided for.

HART FARM SCHOOL.

Mr. DOLLIVER. I submit a resolution, and ask for its present consideration.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Iowa submits a resolution for which he asks immediate consideration. The resolution will be read.

The Secretary read the resolution; and by unanimous consent the Senate proceeded to its consideration, as follows:

Resolved, That the Committee on the District of Columbia be directed to investigate the statement of Prof. William H. H. Hart, principal of the Hart Farm School, and accompanying papers relating to care and maintenance of wards of the Board of Children's Guardians of the District of Columbia, and to damages sustained by him in connection therewith, and to report their finding and recommendation at the next session.

Mr. PLATT of Connecticut. Is there any provision in the resolution for the expenditure of money?

Mr. DOLLIVER. No, sir. The resolution is agreeable to the chairman of the Committee on Appropriations and also to the chairman of the Committee on the District of Columbia.

The resolution was agreed to.

Mr. DOLLIVER. I move that the accompanying papers be referred to the Committee on the District of Columbia.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 25th instant approved and signed the act (S. 3) to regulate electrical wiring in the District of Columbia.

The message also announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 2034) directing the issue of a duplicate of a lost check, drawn by Arthur J. Pritchard, pay director of the United States Navy, in favor of the Davis Coal and Coke Company; and

An act (S. 3611) to amend an act entitled "An act to amend an act entitled 'An act granting the right to the Omaha Northern Railway Company to construct a railway across and establish stations on the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes,' by extending the time for the

construction of said railway," by a further extension of time for the construction of said railway.

UNRESERVED LANDS IN NEBRASKA.

Mr. HANSBROUGH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14826) to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to amendments numbered 1, 2, and 3, and agree to the same.

That the Senate recede from its amendment numbered 4, with a substitute therefor as follows: Add in lieu of said Senate amendment the following proviso after the word "acres," in line 2, page 4: "Provided, That any former homestead entryman who shall be entitled to an additional entry under section 2 of this act shall have for ninety days after the passage of this act the preferential right to make additional entry as provided in said section."

H. C. HANSBROUGH,

C. H. DIETRICH,

FRANCIS G. NEWLANDS,

Managers on the part of the Senate.

JOHN F. LACEY,

F. W. MONDELL,

JOHN LIND,

Managers on the part of the House.

The report was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Territories:

A bill (H. R. 11122) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and for other purposes; and

A bill (H. R. 13356) providing for the election of a Delegate from the Territory of Alaska to the House of Representatives of the United States, and defining the qualifications of electors in said Territory.

The bill (H. R. 1925) providing for the removal of the port of entry in the customs-collection district in Alaska from Sitka, Alaska, to Juneau, Alaska, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 11582) authorizing the issuance of letters rogatory by the Commissioner of Patents and providing for the execution of letters rogatory issued from foreign patent offices was read twice by its title, and referred to the Committee on Patents.

The bill (H. R. 15128) to authorize the Secretary of the Treasury to cancel a certain bond of Klaw & Erlanger was read twice by its title, and referred to the Committee on Finance.

The joint resolution (H. J. Res. 150) providing for the publication of 50,000 copies of the Special Report on Diseases of Cattle was read twice by its title, and referred to the Committee on Printing.

REPORT OF THE BEET-SUGAR INDUSTRY.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 67) providing for the printing of Senate Document No. 240, relating to the beet-sugar industry in the United States, which were, in line 6, to strike out "twenty" and insert "ten;" and, in line 7, to strike out "thirty" and insert "twenty."

Mr. PLATT of New York. I am instructed by the Committee on Printing to move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WARREN. I move to take up House bill 13860, the Military Academy appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13860) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1905, and for other purposes.

Mr. KEARNS. I ask the Senator from Wyoming to yield to me that I may call up a bill.

Mr. WARREN. I feel compelled to yield to the Senator from Utah if his bill leads to no discussion.

Mr. KEARNS. I ask for the present consideration of the bill (S. 3642) to extend the provisions, limitations, and benefits of the act of July 27, 1892, as amended by the act of June 27, 1902.

The PRESIDENT pro tempore. The bill will be read.

The SECRETARY. The Committee on Pensions report to strike out all after the enacting clause and insert—

Mr. GALLINGER. Mr. President, I regret to state that I have to object to the passage of that bill.

The PRESIDENT pro tempore. Objection is made.

Mr. BURROWS. I demand the regular order.

The PRESIDENT pro tempore. The regular order is demanded, and that is the amendment on page 30 of the Military Academy appropriation bill.

Mr. WARREN. Mr. President, the bill was laid over last night, the point of order pending. I shall occupy but a few moments upon the point of order.

I desire to say with reference to the charge that we were late with this proposed amendment or legislation, if it be so called, that, as I explained last night, we waited first until the War Department and the two corps interested had themselves duly considered and had cut down their first estimates, and until it was fully known and conceded what were their immediate, crying wants. We waited until the incoming as well as the outgoing principal officers of the War Department had expressed their desires upon this proposed reform.

Now, as to the allegation that none of these matters heretofore has been considered here or elsewhere, so far as the Ordnance Department is concerned, the subject-matter of this desired amendment has twice obtained the consent and approval of the other House.

Therefore your committee felt impelled—since it cost nothing, but saved money in the first instance, and in the long run cost but a trifle more—to offer these amendments and thus afford some relief to these two most deserving corps, which seem to be hampered and thus rendered in a measure inefficient at the present time because the present law does not deal liberally enough with them.

We find that as to the Medical Corps in the last three years there have been but twenty-seven applicants for entrance to the medical college, while in the three years before there were seventy-nine, the reason for the falling off being that not sufficient inducements were offered for medical students to enter the service, compensation and opportunities for promotion and growth being so much greater in the Navy Department and in civil life.

The consequence is that during the last three years resignations have been in the ratio of eleven to one, as compared with the same length of time before the present order of things was inaugurated—not quite the old, oft-repeated "sixteen to one" ratio, but a ratio of eleven to one of resignations now—because there are not sufficient inducements. So we have at the present time 195 contract surgeons working by the day or by the month with no expectation of remaining. Therefore they can not possibly have the same interest that would obtain if we had regular appointees.

Now, in the Ordnance Department matters are still worse. With an authorized corps of only 71 we find that there are but 51 officers in that corps (52 altogether, but 1 out serving on the General Staff, leaving but 51). Under the superintendence of this corps are 5,000 men, skilled mechanics, on duty at various places throughout the United States and elsewhere, having entire charge of the manufacture and use of all our implements and missiles of warfare.

There are 19 vacancies, and why? Because the legislation had three years ago was not liberal enough and did not and does not offer sufficient inducements. Therefore no young officers care to take the necessary course of study to enter that corps, where there is little or no future promise, first, because there is no promotion at the time they enter, and second, because there are so few officers of higher rank—majors, lieutenant-colonels, and colonels—in the corps that an officer stands less chance of promotion in that corps than in the regular line of the Army.

Of course, Mr. President, the Senator from Maine [Mr. HALE] knows, as I know, and as the Senate knows, that if the cold-blooded, bald proposition of a point of order is made on the ground that this amendment is legislation, the Chair has but one course to follow. We understand that very well. We have felt and know that if a proposition as to a point of order is made, it is futile to offer any argument or attempt to prove that the amendment does not tend toward legislation.

So in explaining the urgent needs of these two corps, I have done so without any expectation of changing the ruling of the Chair if the point is insisted upon, but I have wanted to make a foundation for asking unanimous consent of this body, which will, of course, have to include the withdrawal by the Senator from Maine of his point of order, so that this measure, this necessary legislation, this good legislation—if it be legislation—may obtain and remain in the bill.

Mr. President, we all know that we have to have rules, and generally follow them. We all admired the schoolmaster who, in our early times, insisted upon the rules, but we loved the school-

master none the less because at times the rules were relaxed for the good of the school and the scholars.

Of course we all admire the Senator from Maine, admire him immensely and intensely, and for nothing more than that generous way and sunny disposition of his that permit him to sit in his place in the Senate and allow needful and proper legislation to go through upon any and all appropriation bills except this one appropriation bill, nem. con., as he remarked yesterday, even to taking the whole Empire of China, treaties, laws, and all, as he so skillfully did a few days since, into the very vitals or body of the regular annual deficiency appropriation bill. I do not know when I admire that Senator most, whether, when in that generous mood, he joins with us, and we legislate for the good of the country, even though it be on appropriation bills, or when he stands here with that grim determination, which also becomes him so well, and insists that one man in the Senate, instead of the Senate itself, shall say whether or not we shall have legislation.

Now, Mr. President, as I said before, the Chair can rule but one way; but if the Senator from Maine, with that goodness of heart that always obtains within him, no matter what his outward demeanor may be, will, in the line of his duty, withdraw his point of order and put it to the Senate on a motion to strike out, and let the Senate decide whether it shall go in or not, it ought to satisfy all demands, and certainly it will satisfy the Committee on Military Affairs. I should feel entirely satisfied personally if the Senate were permitted to vote upon it whether it should go in or not. So I can only appeal to the Senator from Maine to do that which he thinks is best in this case. Let one man settle it or allow the Senate to have a voice in it.

The PRESIDENT pro tempore. The Chair sustains the point of order. The next amendment is section 23.

Mr. GORMAN. Let it be read.

The Secretary read the next amendment of the Committee on Military Affairs; which was, on page 30, after line 23, to insert:

SEC. 23. That the Ordnance Department shall consist of one Chief of Ordnance, with the rank of brigadier-general; six colonels; nine lieutenant-colonels; nineteen majors; twenty-five captains; twenty-five first lieutenants, and the enlisted men, including ordnance sergeants, as now authorized by law. The vacancies thus caused or created shall, as far as possible, be filled by promotion according to seniority as now prescribed by law, except that the Chief of Ordnance shall be selected from the permanent officers of the corps for a period of four years. That the vacancies occurring in the grades of captain and first lieutenant of ordnance shall be filled by detail from the Army at large, from the same grade or the grade below for four years, after which no officer shall again be eligible for detail until he has served one year out of the Department: *Provided*, That officers shall be so detailed, subject to such examination as may be prescribed by the Secretary of War, and the vacancies thus created shall be filled as now provided for by law. That vacancies occurring in the grade of major of ordnance, after promotion, as now prescribed by law, of all permanent officers now in the Ordnance Department, shall be filled by the appointment of officers of the grade next below, who shall have served by detail in the Ordnance Department, the selection to be made as the result of an examination, approved by the Secretary of War.

Mr. HALE. Mr. President, at the risk of subjecting myself to the playful encomium of the Senator from Wyoming, I must make the same point of order on this section.

The PRESIDENT pro tempore. The Chair sustains the point of order.

The next amendment was, to insert, beginning at the top of page 32, the following:

That as carrying out the provisions of section 35 of an act to increase the efficiency of the permanent military establishment of the United States, approved February 2, 1901, the Secretary of War be, and he is hereby, authorized and directed, if in his opinion the prices at which the land can be procured are reasonable, to establish four permanent camp grounds and enlarge the Chattanooga and Chickamauga National Park for the instruction and maneuvering of troops of the Regular Army and National Guard at, on, or near the following places, to wit:

- (a) In the vicinity of Fort Sam Houston, Bexar County, in the State of Texas, in quantity not less than 18,000 nor more than 25,000 acres.
- (b) In the vicinity of Camp Douglas, Juneau and Monroe counties, in the State of Wisconsin, containing 20,000 acres, more or less.
- (c) In the Conewago Valley, in the counties of Lebanon, Dauphin, and Lancaster, in the State of Pennsylvania, containing 18,000 acres, more or less.
- (d) On either of the following tracts of land in the State of California, as may be selected by the Secretary of War, namely: The Nacimiento ranch, partly in Monterey County and partly in San Luis Obispo County, containing 24,000 acres, more or less; the Santa Margarita ranch (Murphy ranch), in San Luis Obispo County, containing 18,200 acres, more or less; the J. H. Henry property, in San Luis Obispo County, containing 22,000 acres, more or less; the Santa Cruz property, near the city of Santa Cruz, containing 20,000 acres, more or less.

All of which sites have been examined by officers of the War Department and by them recommended as suitable for the purposes above set forth.

That to enable the Secretary of War to acquire said tracts of land above located the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the Treasury not otherwise appropriated: For the military camp ground in the vicinity of Fort Sam Houston, \$125,000; for the military camp ground in the vicinity of Camp Douglas, \$400,000; for the military camp ground in the Conewago Valley, \$300,000; for the military camp ground in the State of California, \$500,000, and for the enlargement of the Chattanooga and Chickamauga National Park (already established), by the purchase of 10,000 acres of land adjoining said park, the sum of \$100,000: *Provided*, That no permanent military post shall be established, or any steps taken toward the establishment of a post, on any of the camps hereby authorized to be purchased without express authority from Congress.

Mr. MCCREARY. Mr. President, I make a point of order

against all in the Military Academy appropriation bill on page 32, page 33, and the first two lines of page 34, because it proposes new and general legislation, it increases appropriations already contained in the bill, and is in violation of Rule XVI of the standing rules of the Senate.

The part of the bill to which I refer is that in regard to establishing four permanent camp grounds and enlarging the Chattanooga and Chickamauga National Park.

It is so clear that the proposed amendment added to the House bill by the Senate Committee on Military Affairs is new and general legislation and that it increases appropriations already contained in the bill and that it is not germane to the subject-matter contained in the Military Academy appropriation bill that I am sure every point of order raised by me should be sustained. I am well aware that the first and second points of order have to be decided by the President of the Senate and that the last, under our rules, will have to be submitted to the Senate. This is very agreeable to me, for I am sure the Senate can not afford to decide that my last point of order is not well taken; and if the President of the Senate shall be required to decide, he, in my opinion, will be compelled to decide that the first and second points of order are well taken. Until my position is assailed or plausible arguments presented to show I am not correct I shall not further discuss the points of order.

In justice to myself I wish to say I am in favor of establishing four permanent camp grounds and enlarging the Chattanooga and Chickamauga National Park for the instruction and maneuvering of troops of the Regular Army and the National Guard, as provided for in the act of Congress of February 2, 1901, but I am in favor of enacting the legislation in a proper way. I want it to be done with proper wisdom and proper deliberation. I do not think that it will be done with proper wisdom by attaching to this general appropriation bill the amendment which has just been read. I do not think that it will be done with proper deliberation if this amendment is hastily brought here without time for proper examination and more than \$2,000,000 appropriated.

There is a bill now pending on the Calendar which seeks, as I am informed, to establish four camp sites. It seems to me that the proper way would be to wait and take up the bill pending now on the Calendar. This important legislation should be considered in a separate, independent bill.

Mr. President, I can see no good reason why we should have such undue haste. The appropriation of \$2,000,000 to pay for four camp sites is but the beginning. We must remember that we are not establishing four camp sites for one year or for five years, but for many years, and \$2,000,000 is but the beginning. It will not be many years until \$20,000,000 will have been paid out. Improvements will have to be made.

There are many important questions which should be considered when we select four permanent camp sites. We should take into consideration the topography of the country. We should take into consideration the temperature, the climate, the drainage, the water supply, the railroad facilities, the healthfulness of the place, the kind of country it is, and whether it is suitable for the instruction and for the maneuvers of the troops of the United States Army and the National Guard, because the object of this legislation is to furnish camp sites where there shall be instruction given and maneuvers for the benefit of the soldiers of the Regular Army and the soldiers of the National Guard.

Mr. BAILEY. Will the Senator from Kentucky permit me to interrupt him?

Mr. McCREARY. Certainly.

Mr. BAILEY. While the Senator from Kentucky is telling the Senate about those things that ought to be taken into consideration—

Mr. QUARLES. Mr. President, can we have order? We can not hear a word the Senator is saying.

Mr. BAILEY. I simply want to supply an item which the modesty of the Senator from Kentucky forbids. I desire to say that the principal thing which the Senate ought to take into consideration is the application of West Point, Ky.

Mr. McCREARY. I hope and believe the Senator from Texas has the same good opinion of West Point, Ky., that General Bates has, who commanded the troops that assembled there for instruction and for maneuvering purposes last fall. I hope he has the same good opinion that Colonel Wagner, the adjutant-general, has, who was on duty there for some time at the encampment last fall, and also the assistant adjutant-general, Major Parker.

When I was interrupted I was describing the kind of camp sites that I thought we ought to have. I believe there was some investigation made in the House of Representatives; but if there has been any investigation made in the Senate with regard to army camp sites, I do not know of it. I obtained this morning certain reports, maps, etc., contained in a large book with over 1,000 pages. I have had no time to examine these reports, maps, etc., and I say it is due to every Senator, before he is required to vote

upon the not temporary, but permanent camp sites, that he should have an opportunity of examining and knowing, without doubt, exactly where the camp sites are to be located and what are their advantages and disadvantages.

If it was only for one year or for five years and the place was not suitable, we would have a remedy; but this is a proposition to establish four permanent army camp sites, and when we have by necessary legislation established them then they are fixed. Therefore I do not believe that it is proper and right that we should hastily attach this amendment to the Military Academy appropriation bill.

The Senator from Texas [Mr. BAILEY] spoke kindly of West Point, in Kentucky. As he mentioned it, I feel I ought to say that last year, as there were no permanent camp sites, a site was selected for a temporary camp of instruction and maneuvers within 15 miles of Louisville, Ky.

In my opinion that camp site possesses every requisite that is needed for a permanent military camp ground. There are seven great railroad trunk lines going into Louisville and two railroads pass through a tract of land containing 40,000 acres situated on the Ohio River near West Point, Ky., where the encampment was last fall. The drainage there is perfect, the climate is good, the water supply is excellent, and the temperature is all that could be desired; it is a rolling country and, according to the statement made by the officers in command of the camp site there last fall, it is in every respect suitable. Indeed, there is no place in the United States, to my knowledge, which is so central to so great an area of country or to such an immense population, or a place so accessible to States from which soldiers both of the United States Army and of the National Guard would come for instruction and for maneuvers.

I shall not take the time of the Senate to read the reports in full of General Bates, Colonel Wagner, or Major Parker, but I shall read briefly some extracts from the report made by Col. Arthur L. Wagner, colonel and assistant adjutant-general, in which he says:

The maneuvers at West Point, Ky., furnished a thorough practical test of the suitability of the ground for military purposes and demonstrated that the region in question is admirably adapted to use as a maneuver ground.

I do not know of a single objection that could be urged to this ground that would not at once be removed if the land were owned by the Government.

The geographical advantages of the West Point site are also very great.

West Point, Ky., is so located that it can be readily reached in not more than twenty-four hours' travel by all the organizations of the National Guard of the States of Michigan, Wisconsin, Iowa, Missouri, Illinois, Indiana, Ohio, Kentucky, Tennessee, and the greater part, at least, of the States of Arkansas, Mississippi, Alabama, and Georgia—by more troops, in fact, than it would be desirable to concentrate for instruction at a single point.

Mr. President, all I desire is a fair examination; and if West Point is found to be the proper place for one of these permanent campsites, I desire that it be selected. If, after full and thorough examination the four permanent camp sites which are referred to in the proposed amendment—one in Pennsylvania, one in Wisconsin, one in California, and one in Texas—are deemed best, and possess the proper requisites for permanent camp grounds, an independent separate bill should be presented providing the necessary legislation, and after full and fair discussion I believe all will be satisfied to submit to the will of the majority.

Mr. President, I have said more than I intended to say. My object has been to show that we should not be too hasty—that we should not try to rush this kind of legislation through the Senate on an appropriation bill. I understood the distinguished Senator from Maine to say that he did not remember in his long service here of an effort to have ever been before made in the Senate to attach such legislation as this to the Military Academy appropriation bill.

Mr. SPOONER. Mr. President, I do not know that the Chair cares to hear any discussion on the point of order. It is perfectly obvious, I think, that the point of order is not well taken. Of course the Senator from Kentucky [Mr. McCREARY] will not contend that the failure of the officials of the War Department to look upon West Point with the eyes of the Senator from Kentucky should have any bearing whatever upon the point of order; nor does the fact that this is a Military Academy appropriation bill and that there should be more time for consideration have any such bearing. The only question is, as I understand it, whether under our rules this proposition is properly in this bill.

Mr. President, the first thing I want to say on the point of order is this: The amendment is clearly an item of appropriation to carry out existing law. In the act to increase the efficiency of the military establishment of the United States, approved February 2, 1901, there is this provision:

SEC. 35. That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examinations and surveys to be made for the purpose of selecting four sites with a view to the establishment of permanent

camp grounds for instruction of troops of the Regular Army and National Guard, with estimates of the cost of the sites and their equipment with all modern appliances, and for this purpose is authorized to detail such officers of the Army as may be necessary to carry on the preliminary work; and the sum of \$10,000 is hereby appropriated for the necessary expense of such work, to be disbursed under the direction of the Secretary of War: *Provided*, That the Secretary of War shall report to Congress the result of such examination and surveys, and no contract for said sites shall be made nor any obligation incurred until Congress shall approve such selections and appropriate the money therefor.

This item, Mr. President, is an item embracing four camp sites, reported by the officials of the War Department, and estimated for by the Secretary of War pursuant to section 35 of the act to which I have called the Chair's attention. That would seem to be sufficient to bring the amendment entirely within the provision of Rule XVI.

There is another reason why the amendment is in order, Mr. President. It does not change any existing law, and it is not only pursuant to existing legislation and to carry it out, but it has been reported favorably on by a standing committee of this House—the Committee on Military Affairs—which happens to be in charge of this appropriation bill as well as of the army appropriation bill. It is utterly impossible for me to see any possible theory on which this amendment is out of order under Rule XVI.

Mr. GORMAN. I should like to ask the Senator from Wisconsin if he contends that a simple provision of law appointing a commission to examine sites and to report the result to Congress binds us in any way to make an appropriation?

Mr. SPOONER. I do not say that it binds the Congress in any way to make the appropriation, but I say the proposition here is that money shall be appropriated to carry out existing law. I speak only to the point of order, not to the question whether or not the appropriation ought to be made.

Mr. GORMAN. I so understood. I am addressing myself to the point of order, but I am amazed that the Senator should hold that a report from a Department, in conformity to a provision of law, that four camp sites are eligible at a cost of \$2,000,000, brings the amendment within the provisions of Rule XVI. We have a thousand reports from the different Departments recommending various things; but it has never been before held, so far as I know, that the mere report of information which Congress wants to act upon requires that an appropriation shall be made.

As I understand, an appropriation bill such as that we are now considering for the West Point Military Academy has always, without exception, contained only appropriations provided for by existing law—for the pay of the superintendent, the cadets, and the various officers connected with that institution. Those expenditures are defined and fixed. Heretofore no items relating to the Army in general have ever been inserted or attempted to be inserted in this bill. Yet Senators come here in this particular case with three propositions to reorganize great bureaus of the War Department—the Medical Bureau and the Ordnance Bureau—and the amendment proposing to do that has gone out under the ruling of the Chair. Why? Because there is no law providing for such reorganization.

Now comes the third proposition, to purchase great camp sites, which have no direct connection whatever with the West Point Academy, and for which no estimate has been made, nothing except a huge report from the War Department, giving the result of the examination of army boards; and there is, as I understand, some division in the Department itself in regard to the various sites which the committee report to insert in this bill. This is done in face of the fact that in both Houses of Congress the particular subject is contained in another bill providing for these camp sites. That bill has not been acted upon by either House; and there is no thought on the part of anybody that there is the slightest provision of law for the purchase of these sites.

I suggest to the Senator that it would be very extraordinary, in my judgment, and I think entirely without precedent, if it should be held that such a proposition was germane or that it came under Rule XVI, regarding appropriation bills.

Mr. SPOONER. Mr. President, the ruling of the Chair upon the point of order made by the Senator from Maine [Mr. HALE] was, as I understood it, upon this ground, that it changed existing law. The Ordnance Corps is a corps organized under the act of Congress, as is also the Medical Corps. The two propositions which the Chair ruled out of order undeniably changed existing law.

Now, whether this amendment ought to be on the Military Academy bill or not does not go at all to the point of order raised by the Senator from Kentucky [Mr. McCREARY]. The point of order suggested by the Senator from Maryland [Mr. GORMAN] as to whether or not the amendment is germane is an entirely different proposition, which the Chair does not pass upon. I am confining myself to the only question which the Chair is called upon to decide, and that is, whether or not, under the rule, this amendment is in order, regardless of what the Senate may do with

it. But as to the point of order that the amendment is not germane, if that shall be made regardless of the question whether the Senate shall have—

Mr. McCREARY. Will the Senator allow me?

Mr. SPOONER. Not until I finish my sentence, if the Senator will permit me.

Regardless of what the Senate may think as to the propriety of putting the amendment on the Military Academy bill, I can see no reason, Mr. President, why this amendment does not fairly fall within the rule, in view of the fact that it has been reported and incorporated in this bill, and not only reported favorably by a standing committee of this body, but has been incorporated in this bill by the Committee on Appropriations.

Mr. GORMAN. Oh, no; by the Committee on Military Affairs.

Mr. SPOONER. In this case that is the committee on appropriations, and that is the committee which has just as complete jurisdiction of the army appropriation bill and of this Military Academy bill as the Committee on Appropriations has of any bills which come from that committee.

The PRESIDENT pro tempore. Will the Senator from Wisconsin address himself to the question whether or not the amendment is general legislation?

Mr. SPOONER. I do not think it is general legislation.

The PRESIDENT pro tempore. The Senator must remember that the rule of the Senate is not as to whether an amendment proposes a change of existing law, like the rule of the other House, but it is as to whether an amendment which proposes general legislation shall be placed on an appropriation bill.

Mr. SPOONER. I do not think the amendment is general legislation any more than the incorporation on the naval bill, as it comes from the Committee on Naval Affairs, of an amendment providing for an \$8,000,000 battle ship is general legislation.

These camp sites are estimated for by the Secretary of War, earnestly recommended by the Secretary of War, and the whole subject, in obedience to this act of Congress, was thoroughly investigated by competent officers of the War Department, quite as able, I think, to determine what the interest of the Government from the military standpoint is, and what camp sites are best adapted for that use, as the Senator from Kentucky or any other Senator.

It is an item in an appropriation bill looking to the expenditure of money for army purposes. Now, how is that general legislation any more than a thousand items that come from the Appropriations Committee and from the Naval Committee are general legislation?

The PRESIDENT pro tempore. There were two items which have been ruled out—which were ruled out on the point that they were general legislation.

Mr. SPOONER. They changed the permanent provisions of existing law.

Mr. FORAKER. If the Senator will allow me to make a suggestion, they are incorporated into the general law and applicable to the whole country.

Mr. SPOONER. Yes; they are applicable to the whole country.

Mr. FORAKER. And it is pure and simple special legislation. There is nothing general about it. The pending amendment is to authorize the purchase of great camp sites, and it is as completely special as anything could possibly be.

Mr. SPOONER. Not any more than it would be general legislation to authorize the purchase of a site for the erection of a military hospital.

Mr. McCREARY. Will the Senator from Wisconsin permit me?

Mr. SPOONER. Certainly.

Mr. McCREARY. Mr. President, I raised the point of order because the amendment proposed as part of this bill contained new and general legislation. If this amendment is not general legislation, providing, as it does, for four army camp sites, providing for the sending of the National Guard to them from every part of the United States, and providing for an appropriation of \$2,000,000 to begin with and many millions hereafter, I should like to know what general legislation is.

Mr. SPOONER. The Senator is not asking me a question.

Mr. McCREARY. I want to say before I take my seat that in addition to making the point of order against the amendment that it proposed new and general legislation, that it increased an appropriation already contained in the bill, I also stated that it violated Rule XVI of the standing rules of the Senate. Section 3 of that rule is as follows:

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

Mr. SPOONER. I shall not discuss the question of germaneness, because, under the rule, the Chair submits that to the Senate, but I am confining myself now to the point of order raised by

the Senator from Kentucky [Mr. McCREARY], which is for the Chair to decide. The Senator from Kentucky says—

Mr. McCREARY. I wish the Senator from Wisconsin to understand that I am not only raising the question that the amendment proposes general legislation, but also I am making the point of order that the amendment is not germane to the pending bill.

Mr. SPOONER. I think any appropriation which looks to the operations of the Army is, so far as that is concerned, sufficiently germane.

The PRESIDENT pro tempore. The Chair is obliged to submit the last point of order raised by the Senator from Kentucky [Mr. McCREARY] to the Senate.

Mr. SPOONER. Certainly; I know that, and I said that; but the rule in relation to the other point that I am devoting myself to for the moment says:

Or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

This amendment was moved not only by direction of a standing committee of the Senate, but was incorporated in the bill by the Committee on Appropriations, when the bill came from the committee to the Senate.

The PRESIDENT pro tempore. The Chair is in no trouble about that: the Chair is only troubled about the question of whether or not the amendment proposes general legislation.

Mr. SPOONER. Mr. President, how could it be general legislation? The Senator from Kentucky thinks, or seems to think, because the amendment involves four sites, it is general legislation, inferring perhaps that if it only involved one it would not be general legislation.

The amount appropriated has nothing to do with the question, nor has the number of sites in this proposition anything to do with the question. How is it to be distinguished from a proposition to fortify Pearl Harbor, if you please, or to fortify some place in the United States, which is permanent in its nature? That is essential to military operations. It is defensive in character, and how is that general legislation any more than is this? It is difficult to define—I have never heard any Senator attempt to define—the distinction between special legislation and general legislation. But under our practice here, this amendment certainly is not general legislation. Suppose it were proposed to erect military hospitals in two or three parts of the country for the use of the Army, and to incorporate that provision, not only by direction of a standing committee, not only pursuant to the recommendation of the Secretary of War and an estimate for the expense, but to incorporate it by the Appropriations Committee; would that be general legislation?

It is for the use of the Army. Congress is committed to this policy after having carefully provided for the organization of the Militia of the United States to rendezvous in the country at convenient points for the Regular Army and the militia of the States. The utility of that is obvious. The Secretary of War considers it so obvious that he urges this appropriation in a communication which will be brought to the attention of the Senate. If this amendment is general legislation, we violate that rule on every appropriation bill. It seems to me that it can not be so considered.

The PRESIDENT pro tempore. The Chair submits to the Senate the point of order made by the Senator from Kentucky [Mr. McCREARY], that the pending amendment is not germane to the bill.

Mr. ALDRICH. Mr. President, I desire to say a few words in regard to the question of whether or not the amendment is general legislation.

The PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. ALDRICH. Mr. President, I do not know whether or not this is a proper subject for legislation at this time, but if the amendment is not general legislation, I can not conceive of any proposition that would be. It proposes to change the policy of the Government, to inaugurate, in fact, an entirely new policy by the establishment of camp sites, and assembling, in a way which has never been provided by law, of the Militia and the Regular Army, involving an enormous expenditure to the Government.

Mr. QUARLES. Will the Senator permit me?

Mr. ALDRICH. In a moment. Is it possible on a bill to provide for the necessary expenses of the Military Academy to justify legislation of this kind?

Mr. SPOONER. Will the Senator permit me?

Mr. ALDRICH. Certainly.

Mr. SPOONER. What is general legislation as contradistinguished from legislation that is not general legislation?

Mr. ALDRICH. It is usual general legislation of Congress. Take the case of the pending bill. Any amendment would be general legislation which proposed to change the policy of Congress or the adoption of a new policy.

Mr. SPOONER. This bill does not provide for changing the policy of Congress.

Mr. ALDRICH. It does, most certainly.

Mr. SPOONER. The Congress has already adopted it as a policy.

Mr. QUARLES. If the Senator will look into the militia act, he will see—

Mr. ALDRICH. What will he find?

Mr. QUARLES. He will find there an entire change of policy, which was agreed to and incorporated into the law, and this is only carrying that out.

Mr. ALDRICH. I wish the Senator would read the provision of the militia act which would make this appropriation proper.

Mr. QUARLES. That act provides for maneuvers of the Militia and of the Regular Army at rendezvous to be appointed.

Mr. ALDRICH. Yes.

Mr. QUARLES. And you can not carry out that militia act without having those rendezvous. You have either got to rent them or to buy them, and in my own time, later on, I shall try to show the Senate the relative merit of those two propositions.

Mr. ALDRICH. The militia act provides for rendezvous by general legislation, and this provides for the extension by general legislation of the policy which the Senator says was inaugurated.

Mr. QUARLES. Yes; it carries it out.

Mr. ALDRICH. I will venture to say that there was not a member of this Senate who had any idea, in the passage of the militia bill, that we were entering upon an expenditure of \$50,000,000 to establish what are called "permanent camp sites" by the Government of the United States.

Mr. SPOONER. It may not have been practicable for every member of the Senate to know what was in the bill before he voted for it, but that is the law.

Mr. ALDRICH. The law may be as the Senator states, but it certainly was simply a suggestion, at most, in the direction which we are now asked to go.

Mr. SPOONER. I do not suppose it was simply a suggestion; it must have been a general suggestion.

Will the Senator define "general legislation" under the rules?

Mr. ALDRICH. I have defined it as something which does not—

Mr. FORAKER. Will the Senator allow me to ask him to define "special legislation?"

Mr. ALDRICH. I hope the Senator will allow me to go on.

Mr. FORAKER. I will, of course.

Mr. ALDRICH. I will ask both Senators to allow me to go on, and then I shall be able to answer their questions in my own way.

Mr. QUARLES. If the Senator will pardon me, I wish to ask whether his idea of general legislation depends upon the amount of money which is involved in a particular proposition?

Mr. ALDRICH. Not at all.

Mr. QUARLES. That seems to be the only clear suggestion the Senator has yet made.

Mr. ALDRICH. Not at all. It is not, of course, a question of the amount of money involved. That is not the question; although, for the judgment of the Senate, whether the proposition involves 50 cents or \$50,000,000, is, I assume, worthy of consideration. That is a matter to be taken into consideration.

Mr. QUARLES. Not on the point of order.

Mr. ALDRICH. No; not on the point of order.

Mr. QUARLES. That is what we are discussing.

Mr. SPOONER. Suppose there were a proposition here, there being urgent need for it, to appropriate \$16,000,000 for two battle ships. Would that be general legislation?

Mr. GALLINGER. It would.

Mr. ALDRICH. On an amendment to this bill?

Mr. SPOONER. Yes.

Mr. ALDRICH. I think it would.

Mr. GALLINGER. Certainly.

Mr. SPOONER. Why?

Mr. ALDRICH. Because it would be entirely foreign—

Mr. SPOONER. Why any more general legislation on this bill than if reported as a new proposition from the Naval Committee?

Mr. ALDRICH. That is a different proposition.

Mr. SPOONER. Every proposition is different, of course. When a man wants to defeat a proposition, he calls it general legislation.

Mr. ALDRICH. I think the Senator will recognize the fact that the Government is committed to the establishment and maintenance of a navy as a policy which has been in existence from the foundation of the Government. If it were proposed upon this bill to raise a standing army of 100,000 or 200,000 men—

Mr. SPOONER. Does the number make any difference?

Mr. ALDRICH. No; to raise a standing army of 200,000 men and providing for their organization and government in various ways it would be general legislation.

Mr. SPOONER. That would be changing existing law and would be general legislation.

Mr. ALDRICH. This changes existing law.

Mr. QUARLES. No.

Mr. ALDRICH. There is no question but that this changes existing law and establishes a new policy. It is general legislation in the sense that it is committing Congress to a policy to which it has never before been committed. Special legislation, of course, is not confined to appropriations for private purposes. I think the Senator will not contend that an appropriation for a specific purpose must necessarily be special legislation. I do not think any Senator will so contend.

Mr. SPOONER. Then the Senator's definition, his test, as to general legislation, under the rule, is whether it commits the country to a new policy.

Mr. ALDRICH. Yes; or changes the policy of the Government in regard to matters of general concern. That is my definition.

Mr. QUARLES. Mr. President, I am very glad at last to know what is the basic of the proposition of my distinguished friend underlying the point of order. We find it is this, that that is special legislation within the meaning of Rule XVI which establishes a new policy. Therefore this proposition is not obnoxious to Rule XVI if it does not establish a new order of things or commit Congress to a new policy. Very well.

Mr. President, I want to say to my distinguished friend and to the Senate that since the organization of this Government Congress never was more thoroughly committed to a policy than it has been to the maneuvering of the troops—the Militia and the Regular Army—in great maneuver grounds by the passage of what is known as the "militia bill." That is the existing law, and if my friend will take the trouble to examine the statute he will find that there the very policy we are contending for was thoroughly and completely established.

Mr. ALDRICH. Was there any suggestion in that bill that the Government was to purchase sites? Was there any commitment on the part of the Government to the purchase of sites?

Mr. QUARLES. Certainly.

Mr. SPOONER. There is in that bill.

Mr. ALDRICH. I beg the Senator's pardon.

Mr. QUARLES. Certainly; and I will show the Senator later on. I am speaking now of the militia bill, pure and simple.

Now, what was the policy of this Government as it was presented in the militia bill?—and I wish every Senator to see how thoroughly Congress has been committed to this policy. What was it? Instead of having a feeble, independent body of militia raised in the several States, it was to amalgamate that force of citizens with your regular army force.

It was to bring them together into a great camp where maneuvers could be had; where the citizen soldiery of the country could stand shoulder to shoulder with the seasoned old veterans in the Regular Army. It was the policy, to amalgamate those forces in one and have one great military establishment consisting of the Militia and the regular force. Not only that, but later on Congress, in furtherance of that policy, directed that an investigation should be made into the available sites in this country, and it is known as section 35 of the appropriation act of 1901. Now, here is the provision:

That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examinations and surveys to be made for the purpose of selecting four sites, with a view to the establishment of permanent camp grounds for the instruction of troops of the Regular Army and National Guard—

Now, let the Senator listen—

with estimates of the cost of the sites.

Did that contemplate their purchase?

Mr. ALDRICH. If Congress should order an examination of the port of New York with a view of ascertaining whether it was desirable to build large fortifications or to deepen the channel to a hundred feet, would that commit Congress to the deepening of the channel to a hundred feet?

Mr. QUARLES. Let us not get away from the question.

Mr. ALDRICH. The suggestion made by the Senator from Wisconsin is that because we have asked the board to examine, therefore we are committed to a policy.

Mr. QUARLES. The contention of the distinguished Senator on the point of order was that for the first time this amendment committed the Government to this policy.

Mr. ALDRICH. Certainly it does, according to the Senator's own statement.

Mr. QUARLES. The Senator will not abide by the proposition, but constantly wanders away from it. I say that Congress was committed to this policy when it authorized the Secretary of War to cause this investigation to be made and estimates to be furnished for the cost of the four sites; and this bill, Mr. President, is only in continuance of the policy which has thus been twice adopted by Congress.

Mr. HALE. Where is the estimate?

Mr. QUARLES. Section 35—

Mr. HALE. No, the estimate. Where is the estimate regularly sent from the War Department to the Secretary of the Treasury and submitted to Congress as an estimate for the present year? I have looked, and I have thus far failed to find that there has been any estimate made by the Secretary of the Treasury this year.

Mr. FORAKER. I wish to ask the Senator from Maine what that has to do with the question whether this is general or special legislation—whether or not there has been an estimate? I do not see the pertinency of the inquiry, so far as this question is concerned.

Mr. HALE. The Senator from Wisconsin [Mr. QUARLES] has again and again referred to Congress being committed because it provided that there should be estimates made. Now, the first question that would arise upon that, to any Senator used to procedure in connection with appropriation bills, would be where is the estimate that justifies this? The Senator himself brings up the question by saying here was an inquiry which involved estimates. I have looked over the Book of Estimates and tried to find any estimate sent in for these sites, saying nothing on the question as to what bill it should be upon.

But where is there any estimate sent to Congress this year, at this session, by the Secretary of the Treasury, making this a regular estimate? If the Senator has found that, he has searched deeper than I have. But I have looked far and wide, and can find no estimate.

Mr. QUARLES. I am not to be diverted from a discussion of the proposition which was raised by my distinguished friend the Senator from Rhode Island, which is an entirely different question from that now raised by the distinguished Senator from Maine. Let us treat that when we reach it. The question now is whether the objection made by the distinguished Senator from Rhode Island is sound, that this amendment for the first time commits Congress to a new policy. It was upon that proposition that I suggested that the act of Congress providing that the Secretary of War should cause the Engineer Corps to make an investigation and report estimates of cost showed conclusively that the position taken by the learned Senator from Rhode Island on the point of order is not tenable.

Mr. President, the Senator from Kentucky [Mr. McCREARY], while making his point of order, suggested that there was some great haste manifested in this provision. I wish to call his attention to the fact that the large volume I hold in my hand, containing between eight and nine hundred printed pages, is devoted entirely to the report of the engineer officers of the Government upon this subject.

Mr. McCREARY. Will the Senator from Wisconsin permit me to ask him a question?

Mr. QUARLES. Certainly.

Mr. McCREARY. Was that taken in the House of Representatives or was it taken by the committee of the Senate?

Mr. QUARLES. I do not understand the Senator's suggestion.

Mr. McCREARY. Who took that evidence? Who furnished it?

Mr. QUARLES. It is furnished by the engineer officers of this Government, who were detailed by the Secretary of War, pursuant to the provision I have just read.

Mr. McCREARY. Was it sent to the Senate or to the House of Representatives? Was it sent for the information of the Members of the House or of the members of the Senate?

Mr. QUARLES. It was sent to both committees—the Military Committee of both Houses.

Mr. McCREARY. How long has the Senator had that report or that evidence before him?

Mr. QUARLES. It was sent in at the last session.

Mr. McCREARY. I never saw it. It is new to me.

Mr. QUARLES. It has been perused by committees of both Houses, and not only that, but extended hearings have been had by the committee of the House, and the merits of all these sites have been considered; the questions have been matured, and in the regular way arguments have been had, and the Military Committee of the House reported in favor of this measure, as did the committee of the Senate.

Mr. McCREARY. Is it not true that there is a bill on the Calendar substantially the same as this proposed amendment?

Mr. QUARLES. Certainly.

Mr. McCREARY. Then why not take up the bill separately and independently and consider it? Why do you attach this as an amendment to the Military Academy bill?

Mr. QUARLES. I had occasion the other day, in some desultory remarks that I made here, to indicate a reason which is all sufficient to anybody who has investigated that subject. In another place it is impossible to get consideration of this or any similar measure—absolutely impossible—although both commit-

tees have reported in favor of it. I am not permitted to criticize that condition of things, but I state it as a fact.

Now, I wish the Senate to give attention, if they will, for a moment—

Mr. HOPKINS. In view of that statement, would not the putting of this amendment on the pending bill endanger the appropriation bill?

Mr. QUARLES. I do not think so, Mr. President. If it goes into the appropriation bill as the proposition of the Senate, it becomes ingrafted into that bill, and when it goes to the House it is not an amendment. It is a substantial, integral portion of the bill, and no point of order can be raised there upon it, because it is not in the form of an amendment.

Mr. GALLINGER. It is an amendment of the House bill.

Mr. QUARLES. I understand so. It is an amendment, but if the Senate puts it on, it becomes a part of the bill when it goes back to the House, and is not open to a point of order there.

Mr. GALLINGER. Precisely that; but of course the House has either to agree to it or to reject it.

Mr. QUARLES. I understand that, of course, Mr. President.

Mr. HOPKINS. But the point I desired to make to the Senator is that under the statement he makes that the House is opposed to this legislation—

Mr. QUARLES. I did not say that. The House is not opposed to it.

Mr. HOPKINS. I understood the Senator to say that this legislation could not pass in the other body; and that being true, it seems to me it would be a little dangerous for the Senate to put it on this bill, as endangering the appropriation for the West Point Academy.

Mr. QUARLES. The only reason why it can not pass in the House, if I understand the sentiment of the other body, is that no man can receive recognition to bring it before the House. That is the difficulty.

Mr. President, if I may be permitted to take a few moments of the time of the Senate, I wish to call attention to an experiment that has been made already by the Government in regard to these maneuvers. It is apparent that if the policy enacted in the militia law is to be carried out we must have great sites, we must have great camping grounds where the maneuvers can be held. There are but two ways in which that can be done. One is to rent the sites, and the other is to buy them.

I wish to call the attention of the Senate now to the fact that the Government has already experimented on the first proposition of renting sites, and I wish the Senate to know what the result of that experiment has been. Then the Senate will see that there is no alternative except to purchase the sites. Last year the maneuvers were provided for on two sites; one the site in Kentucky, which my friend the Senator from Kentucky has described with such persuasive eloquence that I came to think that if the amendment had only dealt with that part of Kentucky known as "West Point," upon which God has showered all of those manifold blessings, there would have been no objection by way of a point of order.

These two camp grounds were rented, one at West Point, Ky., and the other at Fort Riley, in Kansas.

I hold in my hand a bundle of claims which were presented to our committee after those maneuvers had been held upon the leased camp grounds, and I wish the Senate to understand that from those bills we were given to understand that after our troops had got to West Point, Ky., terrible things happened in that neighborhood. Judging from these claims, we might infer that fat cattle became mere attenuated shadows by reason of the noise incident to that maneuver; that there were no chickens and no turkeys left within 5 miles of that camp; that the calves there refused to grow and presented a case of arrested development; that the pigs there, imbued with the martial spirit of the camp, proceeded to impale themselves upon bayonets; and there was no end of bills presented. I send to the desk a letter, which I ask to have read, written by somebody in Kentucky, who is interested, as to the effect of the maneuvers upon that ground. Will the Secretary kindly read it for the benefit of the Senate?

The PRESIDING OFFICER (Mr. KEAN in the chair). The Secretary will read as requested.

The Secretary read as follows:

Hon. Mr. HULL, Chairman.

SIR: Hon. D. H. SMITH has in his hands a minority protest of 154 citizens living within proposed limits of West Point location for army post, who ask that the post be not established, as they do not want to be driven from their homes. Would it be too much to ask that this protest be made a part of the record in the premises? Hoping that this may meet your approval, I am,

Very respectfully,

E. T. CARRICO.

We think the sentiment against the establishment at this place much greater than would appear at present.

Mr. QUARLES. Will the Secretary also read—

Mr. McCREARY. Will the Senator from Wisconsin allow me to interrupt him for a moment?

Mr. QUARLES. Certainly.

Mr. McCREARY. In answer to the letter which has just been read I wish to make a statement in regard to the number who have petitioned for this army camp site. I am informed that between three and four thousand persons in Kentucky, and within the scope of the country proposed to be taken and around there, have petitioned for this army site. I am also informed that the persons who own the land, 40,000 acres of land, have executed writings giving to certain persons options on this land, showing their desire that it be taken for an army site.

Mr. QUARLES. I also ask the Secretary to read the report that comes from Fort Riley.

Mr. ALDRICH. Is this as bearing upon the point of order?

Mr. QUARLES. It is.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

Mr. ALDRICH. I do not object.

Mr. QUARLES. It is following up the line of events.

Mr. BLACKBURN. Before the Senator from Wisconsin leaves the branch of the subject he is discussing, I wish he would state to the Senate what was the aggregate amount of the claims presented from the West Point camp.

Mr. QUARLES. I can not answer the question, except to say that for Fort Riley and West Point they aggregated \$8,000.

Mr. BLACKBURN. For the two?

Mr. QUARLES. For the two.

Now, will the Secretary read what the people of Fort Riley think about this matter? And I will say that this paper is signed by a hundred or a hundred and fifty of the farmers around there.

The Secretary read as follows:

To the United States Senate:

Whereas during the military maneuvers held at Fort Riley, Kans., and vicinity October 18 to 31, 1903, the troops did, in a number of instances, seize and use as battlefields and maneuver grounds the farms of persons who weeks previously had notified the military authorities in writing that their farms had not been leased to the United States Government for the maneuvers, the owners of said farms suffering great loss and annoyance by the action of the troops in the destruction of fences, scattering and injuring live stock, destruction of crops, trampling of fields and meadows, and stoppage of farm work; and

Whereas many landowners and tenants who did lease their farms for the maneuvers of 1903 did so under a misunderstanding and are now strenuously opposed to a repetition of the maneuvers over their farms: Therefore, be it

Resolved, That we, the undersigned landowners and tenants of Ogden Township, Riley County, Kans., consider the action of the military in forcibly seizing farms and destroying property as contrary to the cherished principles of good government and liberty upon which this Republic is founded, and a violation of the spirit, if not the letter, of the United States Constitution; and be it further

Resolved, That we do hereby protest against the military maneuvering on our farms, and do pledge ourselves that we will not lease our lands to the Government for maneuver purposes in the future.

JULIUS A. JORDAN
(And others).

Mr. QUARLES. Mr. President, I presume the experience which the Government had in trying to lease these camp sites may have been persuasive with the Secretary of War when he sent his letter to Congress holding that it was absolutely necessary to carry out existing law that Congress should buy four sites at this time. That letter is connected with and a part of the report made by the Senate committee, and can be had by any Senator. I will not stop to read it. But it urges in the most emphatic terms not only the necessity of having these four sites, but the urgent necessity of having them at once.

Mr. President, one word in regard to the point of order that this is general legislation. For instance, the Navy desired to buy an additional tract of land, as we did at the last session. It was suggested that they needed more land for the accommodation of a navy-yard. The proposition was to purchase so many acres. Now, what was that? It was a mere effort to obtain increased facilities for the Navy—that is all. That is all this is, so far as the Army is concerned. It is a proposition to secure and acquire additional facilities for the Army, as the other bill did for the Navy.

Now, would any man stand on this floor and say that the proposition to enlarge a navy-yard was general legislation? If that is true, then almost every one of these provisions in the appropriation bills invades that principle. But it is not true. Mr. President, general legislation is that legislation which lays down a general rule, a general law, or as they say in the House, under the peculiar language of their rules, which contravenes existing law.

Now, those two propositions are not the same. I know; but when this is a specific proposition to afford an additional facility for the Army in line with the legislation of Congress heretofore intended to carry it out, not to contravene any legislation heretofore had, not to change a word or a line or a syllable of it, but

merely to carry it out, I say it is a reductio ad absurdum to say that it is general legislation within the meaning of Rule XVI.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. QUARLES. Certainly.

Mr. GALLINGER. Did the Senator agree that the point of order was well taken against sections 18 and 23 of this bill, relating to the Medical Department and the Ordnance Department?

Mr. QUARLES. If I were to make that confession, it would have no bearing, in my judgment, upon this proposition, which is entirely a distinct one.

Mr. GALLINGER. Well, Mr. President, the Senator has laid down the rule what general legislation is; and I asked him a question. I do not care whether he answers it or not. Of course, he can do as he pleases about it.

Mr. FORAKER. I am pretty familiar with these different provisions, and those sections are not at all like the pending amendment. I think the point of order was well made as against the sections relating to the Medical Department and the Ordnance Department, but it is not at all good here; and when the Senator from Wisconsin concludes I hope I can make that clear enough for anyone to understand.

Mr. GALLINGER. And I shall endeavor to make the contrary plain.

Mr. QUARLES. Mr. President, general legislation is providing a general rule or action. A law is a rule of action. A general law is a law which applies to all alike, and is therefore general legislation.

Now, take the provision for remodeling the Medical Corps. Congress had already legislated on that subject and had provided a general scheme which was embodied in the statute. That was a general scheme which involved all the details of the Medical Corps, the manner of appointment, the manner of promotion, and it obtained everywhere within the United States of America. In that way it was a general proposition, a general rule of action, to govern wherever the Medical Corps was dealt with within the United States. So with the Engineer Corps, there was another scheme distinct in itself which was general because it obtained wherever the Engineer Corps went. It controlled their promotions, the number of colonels, the number of majors, the number of captains they were to have, and what duties they were to perform. It may be said to be a general scheme.

Mr. WARREN. And yet it went through in the army appropriation bill.

Mr. QUARLES. Certainly. It went through on the army appropriation bill; and it never before has been challenged, so far as I know. But taking the ground of my distinguished friend from New Hampshire as being sound, which I do not yield, can not the Senator see the distinction between buying 5 acres of ground for an addition to a navy-yard and laying down a rule forever to control a great corps of the Army?

Mr. GALLINGER. Well, Mr. President—

Mr. QUARLES. One is a general rule.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. QUARLES. Certainly.

Mr. GALLINGER. I have listened very attentively during the present session of Congress to two or three eloquent speeches laying down the principle that the distinction between general legislation and special legislation is that special legislation expired at the end of the Congress. The Senator from Ohio enlightened us on that subject once.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield?

Mr. QUARLES. Certainly.

Mr. FORAKER. To what Senator from Ohio does the Senator from New Hampshire refer?

Mr. GALLINGER. To the Senator who has the floor at the present time.

Mr. FORAKER. On what occasion was it that the Senator from Ohio ever advanced such a proposition?

Mr. GALLINGER. I remember it very distinctly. I can not refer the Senator to the hour or the day.

Mr. FORAKER. What was the subject-matter?

Mr. GALLINGER. It was a question very similar to this.

Mr. FORAKER. Mr. President, the Senator from New Hampshire is certainly mistaken. I never advanced such a proposition, I am quite sure I can safely say.

Mr. GALLINGER. I think I can call the attention of the Senator to it, if I may be given the requisite time.

Mr. FORAKER. I hope the Senator will do it.

This is a matter in which I have no interest, as far as these camp sites are concerned, but I think we all should be interested in having a correct ruling made as to what is general legislation, now that the question has been raised. I never advanced such a proposition intelligently; I never did it knowingly, as that which

the Senator attributes to me, and I will be quite mortified if I find in the RECORD that I made any such proposition as that the distinction between general and special legislation is that special legislation terminates at the end of the session.

Mr. GALLINGER. The presiding officer, the President pro tempore of the Senate, in a very elaborate opinion expressed that same view, I will say.

I do not agree with the Senator from Wisconsin, who seemed to be addressing his remarks to me particularly, that to create general legislation it is necessary to have something that applies to every hamlet in the United States. I do not agree to the proposition that it must cover the entire United States and become applicable to every State and perhaps every municipality. I do not know how that may be.

Mr. QUARLES. Mr. President, the distinguished Senator does not do me the honor to state fairly my proposition—

Mr. GALLINGER. Mr. President—

Mr. QUARLES. Although I have no doubt he intended so to do.

Mr. GALLINGER. I am glad the Senator qualified his remark.

Mr. QUARLES. I certainly would never expect anything but the most kindly and courteous treatment and the fairest consideration from my distinguished friend, and I did not mean to intimate anything else.

Mr. President, let me state it now in another way, because I have been, perhaps, unfortunate, for no one will comprehend a proposition more quickly than my distinguished friend. I want at least to make myself understood, and if I am wrong the Senator will be entirely ready to correct me. I want to emphasize the distinction between a bill to regulate the United States Army, for instance, and a bill to buy a gun or a plat of ground for the use of that Army. You lay down a law here for the government of the Army. The regulation that is put into the law to control that Army is a general regulation. That is general legislation, because it extends over all the United States and its colonies and dependencies, wherever our flag flies.

Now, that would be general legislation, according to my view, and so it is in a minor degree with reference to a corps in the Army. Take the Engineer Corps, for instance. A general scheme provided by law to control the Engineer Corps is general legislation, because it applies to that corps wherever it may be, in time of war or peace, and is a general rule of action for that corps.

Now, as distinguished from that general control of the Army or of a corps in the Army, which may well be said to be general, how is it with a bill to provide a battle ship, a bill to provide 5 acres of ground, a bill to provide a gun for the use of the Army?

Mr. SPOONER. Or for a hospital?

Mr. QUARLES. Or for the building of a hospital.

Mr. GALLINGER. Just on that point, I wish to ask the Senator from Wisconsin if the naval appropriation bill had come over here providing for five battle ships, and the Senator had offered an amendment on the floor increasing the number to ten, does he not think a point of order would lie against that amendment?

Mr. QUARLES. That would be obnoxious to another provision in Rule XVI.

Mr. SPOONER. Will the Senator from New Hampshire allow me to ask him a question?

Mr. GALLINGER. Certainly.

Mr. SPOONER. Suppose the Committee on Naval Affairs had reported an amendment increasing the number to ten, would it then have been subject to a point of order?

Mr. GALLINGER. I think so.

Mr. QUARLES. As general legislation?

Mr. GALLINGER. I do not say as general legislation; but it would be obnoxious to the rule.

Mr. QUARLES. That is not what we are discussing. There is another reason why it might be obnoxious to the rule.

Mr. GALLINGER. Certainly.

Mr. QUARLES. Let us take another illustration, which my distinguished colleague suggests to me. Here is the Medical Corps. They need a hospital in a given place. Is a provision in an appropriation bill giving them a hospital to consist of an acre of ground and \$20,000 to construct a building on it to be considered in the same light with reference to this point of order as a proposition that goes to the entire control and regulation and management of that corps throughout the United States? Is there not a manifest distinction? The one lays down a general rule of action, that is a general law; the other provides for a specific appropriation of money to acquire a particular facility. It seems to me, Mr. President, that the point is as distinct as it can be.

Now, if the Senate will bear with me just one moment, I want to say a word regarding the matter of the relevancy. I fear that I am taking up too much time, but I feel a very great interest in this matter. When the Senate vote on the question, if they have to, as to whether the amendment is germane to the bill, I ask them to remember this proposition: What is the Military Acad-

emy? It is an establishment for the training of young men who are to become officers of our Army. That is all it is. What is the maneuvering that is provided for in this bill? It is for the training of the militia of this country, pure and simple.

Mr. SPOONER. Will my colleague allow me to make a suggestion?

Mr. QUARLES. Certainly.

Mr. SPOONER. It stands in the same relation to the subject exactly as a naval training station did to the naval appropriation bill.

Mr. QUARLES. Precisely. I am thankful for the suggestion.

Mr. HALE. No; the naval training station is for the purpose of educating landsmen to go into the service and man the ships. It has nothing to do with drilling or training.

Mr. SPOONER. The camp site is for the purpose of educating soldiers to go into battle.

Mr. HALE. No; the naval station is for educating the young men who go into the Navy. It is not training and drilling; it is taking landsmen and making sailors of them.

Mr. SPOONER. This is taking landsmen and making soldiers of them.

Mr. HALE. Oh, no; this is maneuvering and all that.

Mr. SPOONER. What is maneuvering but training?

Mr. HALE. But the naval training station has nothing to do with maneuvering.

Mr. QUARLES. Mr. President, it is utterly impossible, without resorting to casuistry, to draw any line between the two as a matter of principle. The policy of the Government has been laid down in the militia bill, as I said, that these two forces should be amalgamated, that they should be trained together; that the landsman from the farm and the office and the shop, green and untrained, shall be brought into a maneuvering camp where he has a chance to witness the maneuvers of the Regular Army. The purpose is to hold those two forces together so that we may have a more efficient defense.

Mr. HALE. A defense against what?

Mr. QUARLES. Against everything for which we provide an army.

Mr. SPOONER. Or a navy.

Mr. QUARLES. Or a navy.

Mr. HALE. That is, that there is to be practically an immense army comprising both the regular and the militia force. That is the purpose of it.

Mr. QUARLES. Mr. President, I shall not permit my distinguished friend to phrase that proposition for me. I shall not adopt his language; but the idea is not far from correct.

Mr. HALE. I thought so.

Mr. QUARLES. The idea of the militia bill is to bring those two forces together for the purpose of education, for the purpose of making better soldiers out of the citizen soldiery of this country. That is what it is for. So these two facilities work in harmony. One is a corollary of the other; one is the supplement of the other. The West Point Academy is to drill officers so that they may become a distinguished body of officers in our Army, and the camp-site provision is to take the green levies and recruits in the militia and make them better and more serviceable soldiers.

So there is an affinity between the two propositions. They are alike; they belong to each other, and they can not be segregated without interfering with the will of Congress as it has been distinctly announced by former legislation.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. QUARLES. Certainly.

Mr. ALDRICH. Does he think an amendment to this amendment would be proper to authorize the Secretary of the Treasury to purchase sites for the naval reserves, to provide buildings and ships and various paraphernalia of that kind?

Mr. QUARLES. It would not be germane to the bill.

Mr. ALDRICH. Why not?

Mr. QUARLES. Because it does not relate to a matter of the naval forces of the Government or the naval defense. Therefore, to bring into this army bill providing for camp sites a proposition to effectuate the Navy would make it obnoxious to the rule. It is not relevant or germane.

Mr. ALDRICH. That is not an army bill.

Mr. QUARLES. It is.

Mr. HALE. It is the West Point Academy bill.

Mr. QUARLES. Well, my friends may draw these distinctions, and I shall not assume to follow them in that line. They are both far better equipped than I to draw a nice distinction. But I say the comparison made by my distinguished friend is entirely unsound; that it would reveal another objection, not the one we are discussing here.

We are discussing now whether this is general legislation, and that is all. We are not discussing the question as to whether it

is germane to the bill except only as I have ventured to say that when Senators vote upon this proposition I hope they will understand that under the new policy of Congress, enacted in the militia law, this is not only necessary but it is right in the line with the very objects and purposes of the Military Academy appropriation bill. It is an academy, if you please, in the broadest sense, extended to our militia, and not confined to those fortunate youths who may find their way into that great national training school.

Mr. FORAKER. Mr. President, I wish to say in the first place that I have no interest whatever in this question except only in so far as I am interested, as every other Senator should be, in the ruling that the Chair must make on so important a question as whether this is special or general legislation, or, to put it more precisely, whether or not this is general legislation. These camp sites are not situated, any of them, in my State or anywhere in the neighborhood of my State, and I do not know that there ever will be one situated there. Whether it is good or wise policy to procure these sites and pay out this money for them is something that I do not propose to address myself to.

I shall confine myself to the sole question whether or not this is general legislation, for if it be not general legislation then it is not subject to the point of order that has been made.

In this connection the Senator from New Hampshire [Mr. GALLINGER] has said that on some occasion heretofore I have insisted that the distinction which determines whether legislation is special or general is whether or not it expires with the session at which it is enacted. I have no recollection of having ever made any such contention as that. Certainly, I have no sympathy with any such point now, and I am sure the Senator has attributed to me something that should have been attributed to some other Senator.

The distinction between special and general legislation is sometimes confusing, and yet it is, as a rule, broad enough for us not to make any mistake about it—certainly not in this case.

The Senator from New Hampshire has given us a good illustration of the difference by calling our attention to the character of the provisions with respect to the Medical Corps and the Ordnance Bureau, that have already gone out upon the point of order that they were general legislation.

It is plain that they were general legislation. They were subject to that point of order, and the ruling of the Chair in that case was perfectly proper. But you will see in a moment the difference between that proposed legislation and that which is now under consideration when attention is called to the fact that the provisions with respect to the Medical Corps and the Ordnance Bureau were provisions amending a general law and establishing a general rule with respect to the government and the constitution and organization of those departments. At page 30 of the bill those amendments are found. They read:

That sections 18 and 23 of the act entitled "An act to increase the efficiency of the permanent military establishment of the United States," approved February 2, 1901, are hereby amended to read as follows:

That is as far as I need to read. The amendments then go on to so change the general law by amendment as to provide for a different construction and organization of these departments, and those amendments become the general law of the land applicable to those established and authorized departments.

But when you come to the amendment that is now under consideration, it is wholly different in that respect. It reads as follows:

That as carrying out the provisions of section 35 of an act to increase the efficiency of the permanent military establishment of the United States, approved February 2, 1901, the Secretary of War be, and he is hereby, authorized and directed—

In other words, Mr. President, there is no amendment by this amendment of a general law. This is an amendment intended to carry out the provision of the general law now on the statute books and in force. It stands by itself—

Mr. ALDRICH. Will the Senator allow me?

Mr. FORAKER. Certainly.

Mr. ALDRICH. Suppose this section, instead of being in its present form, had provided for an appropriation of \$2,000,000 to carry out the provisions of a certain act approved, etc., would it have been effective? Would it have reached any purpose contemplated by this proposed statute?

Mr. FORAKER. No; it would not.

Mr. ALDRICH. Of course not.

Mr. FORAKER. Certainly not; and there is no argument in that, as I understand it, as the Senator seems to think there is. Now, let us look at the nature of this provision. If in the act to which this relates there had been a provision for the selection of certain described camp sites and we had now come to appropriate \$2,000,000 to purchase those particular sites there might have been something in what the Senator has suggested.

Mr. ALDRICH. Undoubtedly, if general legislation contained

in this bill had been contained in another bill, then it would have been there; but it is not there.

Mr. FORAKER. No; that is not the point. The Senator asked me whether or not we could make an appropriation of \$2,000,000 to carry out the provisions of a former law that we enacted; a law already in force; whether or not that would have had any effect. I say it would not have had any effect, because no camp sites had been determined upon, none had been selected; there was nothing that the Secretary of War could have applied the appropriation to in exercising the power to purchase which we are seeking to confer upon him.

But I do not want to be diverted by that. As I said a while ago, the distinction is easily made between what is general legislation and what is special legislation.

When the Senator from Wisconsin [Mr. QUARLES] had the floor a moment ago, he pointed it out in a broad way, but he did not cite any authorities. His contention was that general legislation is that which applies to the whole country or to a whole class of individuals or subjects, and that special legislation is that which applies to a locality or to an individual or to some particular thing, and that is the well-recognized distinction between special and general legislation that runs through all the authorities.

First, I want to call attention to the distinction as given in the Century Dictionary:

General legislation is—

Says the Century Dictionary—

that legislation which is applicable throughout the state generally, as distinguished from special legislation, which affects only particular persons or localities.

Now, this legislation which is proposed does not affect the country generally. It affects particular localities. It affects particular things. Now, let me distinguish.

Mr. ALDRICH. Oh, no.

Mr. HALE. Does the Senator hold that this legislation only affects the sites that are mentioned?

Mr. FORAKER. I hold that this simply authorizes the purchase of four designated and described camp sites.

Mr. HALE. The definition given there is an admirable definition.

Mr. FORAKER. It is an admirable definition for the purpose I have in view, but it does not subserve the purpose of the Senator, and, as the Senator knows very well, it does not answer or support the view he is trying to enforce. Let me indicate again as to the difference between special legislation, in answer to the suggestion of the Senator from New Hampshire [Mr. GALLINGER]. He said a while ago this is general legislation, because although it provides for the purchase of four particular camp sites, yet the whole country pays for these camp sites.

The Senator from New Hampshire has been for many years the chairman of the Committee on Pensions, and has labored in that position in such a way as to excite the admiration of everybody in this body. We never had an abler chairman in that place, and with all due regard to those who are there now, they have a good example to emulate, though they are doing splendidly. But the Senator had frequent occasion when acting in that capacity to consider the difference between special and general legislation. General legislation was that which provided that all persons of a certain class should be pensioned thus and so. Special legislation was that which provided that John Jones should have a pension of \$6 a month or \$12 a month. The country paid in both cases, but that did not make a special act general. There is nothing in the argument that because the Treasury is to be called upon to foot the bill in a given case it is general legislation.

Mr. GALLINGER. I would enlarge my suggestion, if it would suit the Senator. This applies to the entire Army of the United States. It can not by any possibility be said that this matter applies to the four States that are going to have these sites. It is a general provision relating to the Army. It is proposed to rendezvous the army from New Hampshire, I suppose, as well as from Wisconsin.

Mr. QUARLES. And I suppose the purchase of a gun would be on the same footing, because the whole Army might use it.

Mr. GALLINGER. I confess I do not see how the whole Army could use one gun. Perhaps the Senator from Wisconsin can.

Mr. QUARLES. At different times; not at the same time.

Mr. GALLINGER. I think the Senator's suggestion is not applicable to the point I tried to make.

Mr. FORAKER. Now, let me illustrate again. Here is a law, general in its character, enacted, providing that the Secretary of War shall cause preliminary surveys and examinations to be made with a view to the selection, when Congress authorizes it, of four camp sites. He was authorized to do that. He did it, and he has made a report upon it.

We now appropriate money necessary to purchase the four sites upon which he has made a report. We name them specific-

ally and appropriate for each in turn. That is not a general law of the country. It is an appropriation to carry out a specific purpose. It is money to be applied in a specific way. It does not apply to all camp sites or to any class of camp sites. That is special legislation and nothing else.

Now, let me illustrate to the Senator from New Hampshire what I think would be general legislation in this respect as contradistinguished from this, which is clearly to my mind special legislation.

If we should enact here that no camp site shall be hereafter selected that does not have a clear, running stream of water through it, that would be general legislation, because applicable to all camp sites. It would be a part of the law of the whole country. It would apply to every object in that class, to every camp site we might have, whether we had two camp sites or four camp sites or forty camp sites or forty-five, one for each State. That would be a general provision of law.

Mr. GALLINGER. I wish the Senator would repeat that observation.

Mr. FORAKER. The observation I made was this: If we were to provide in this legislation, instead of providing for the purchase of four camp sites, that any camp sites that might hereafter be purchased should be so located as that there should be running streams of water going through them, for sanitary purposes, for instance—that would be a general rule that would be applicable to all camp sites, and that would be general legislation.

Mr. GALLINGER. The Senator says, if he will permit me, "any camp sites to be hereafter located." Does he mean to say that if the provision in this bill relating to these four camp sites had provided that they should be sanitary, then it would be general legislation; and that it is not general legislation without such a provision?

Mr. FORAKER. That is not the case we have now before us. It has no reference whatever to the question we have under consideration, but a provision applying alike to all the members of a class would be general and not special. That is what I said. We have here, Mr. President, a question of whether or not the Secretary of War shall be authorized to use a certain amount of money named to purchase four designated camp sites that have been selected. The point is that that is not general legislation affecting the whole country, except in the sense that it is paid for out of the public Treasury; but all special and private pension bills are paid for out of the Treasury. That is not the test.

Mr. GALLINGER. No; but what attracted my attention was that the Senator suggested, as I understood, that if we had provided that there should be a stream of running water through the camp, it would be general legislation. I repeat, does the Senator mean to say that if in this amendment it was provided that these camp sites should be placed on ground that was sanitary, it would be general legislation, and that it is not general legislation without that provision?

Mr. FORAKER. If it were a general provision it would be general legislation, but if it were to provide sanitation and had reference to only a particular site or a particular number of designated sites it would not be general legislation, but would be special legislation.

Mr. ALDRICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Rhode Island?

Mr. FORAKER. Certainly.

Mr. ALDRICH. Do I understand the Senator to say that if this bill provided for forty-five different camp sites it would be general legislation?

Mr. FORAKER. Did I say that?

Mr. ALDRICH. I thought so.

Mr. FORAKER. I did not say that.

Mr. ALDRICH. I thought the Senator said if the amendment applied to all the sites it would be general legislation.

Mr. FORAKER. No; I did not say that. What I said was that if we were to enact a general provision that should be applicable to all camp sites that we might hereafter purchase, whether two or four or forty or forty-five in number, one for each State, that particular provision applicable to all alike would be general legislation; but so long as you legislate about a specific thing or a specific number of designated things, if you legislate specifically about localities or about individual things, it is special legislation, and not general legislation, no matter what the number may be, so long as that number does not embrace a whole class.

But I shall read a little further—

Mr. HALE. Let me ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Maine?

Mr. FORAKER. Yes.

Mr. HALE. The Senator says that if we put in a general bill—

Mr. BLACKBURN. We are unable on this side to hear what is being said.

Mr. FORAKER. I can not myself hear the Senator from Maine.
Mr. HALE. The Senator says if we should put in a provision that there should be a camp site in every State that would be general legislation.

Mr. FORAKER. No, Mr. President; the Senator did not say any such thing.

Mr. HALE. Then what did the Senator say?

Mr. FORAKER. Mr. President, I object to interruptions that are not made in good faith, and it impresses me that this one is not made in good faith.

Mr. HALE. It is not for the Senator to say whether an interruption is made in good faith.

Mr. FORAKER. The Senator who is interrupted has a right to judge whether or not an interruption is made in good faith.

Mr. HALE. I hope the Senator will be good-natured about it.

Mr. FORAKER. "The Senator" is good-natured; but twice now I have responded to this same kind of interruption, and both times in the presence of the Senator from Maine, who is quick to understand, for no man is more acute.

Mr. HALE. The Senator must not assume because I propound an uncomfortable question that it is not propounded in good faith.

Mr. FORAKER. There is nothing uncomfortable in the question which the Senator from Maine propounds, though he is as well qualified to propound uncomfortable questions as any Senator in this body; but he has not done so in this instance.

Mr. HALE. The Senator must not judge. When I propound an interrogatory to him, he must not say that I am not propounding that interrogatory to him in good faith.

Mr. FORAKER. What I object to is not the Senator's interruption, but the Senator's misrepresentation—not intentional, I suppose, but misrepresentation nevertheless—of what I had said.

Mr. HALE. I certainly so understood the Senator.

Mr. FORAKER. And following immediately after the correction of a similar misrepresentation I did not think it had been made in good faith. I generally say what I think, and I always think what I say.

Mr. HALE. I certainly understood the Senator to say that anything in the bill that applied to sanitation would be general legislation.

Mr. FORAKER. No, Mr. President, I did not. What I said was this—

Mr. HALE rose.

Mr. FORAKER. If the Senator will allow me good-naturedly—and I would not think of having a colloquy with him in any other than a good-natured humor—what I said was this: That if we were to make a general provision applicable to all camp sites that we may have or may hereafter procure, whether the number were two or four or forty or forty-five—one for each State—that general provision would be general legislation.

I did not say that to procure forty-five camp sites, one for each State, would be general legislation; but what I said was that a provision for particular sanitary conditions for all of our camp sites and applicable to all that belong to that class would be general legislation, and not special.

Now, I do not wish to be diverted from reading these authorities. I have got into a discussion here that I feel no personal interest in whatever, so far as these camp sites are concerned, though I feel a good deal of interest in it as a member of this body; for if we are to be told that an appropriation to buy four specified camp sites is general legislation, and if that becomes the law of this body, it is a pretty important ruling and one that I protest against. But now allow me to cite some authorities.

I read from Bouvier's Law Dictionary. There is no end of authorities on this subject:

General laws.—Laws which apply to and operate uniformly upon all members of any class of persons, places, or things, requiring legislation peculiar to themselves in the matters covered by the laws are general laws.

Statutes which relate to persons and things as a class (77 Pa., 348). Laws that are framed in general terms, restricted to no locality and operating equally upon all of a group of objects which, having regard to the purpose of the legislation, are distinguished by characteristics sufficiently marked and important to make them class by themselves (40 N. J. L., 123).

So I might go on to read at very great length; but I have read enough to show what the rule is. No one can cite any authority that criticizes that rule or controverts that rule as the authorities lay it down.

Mr. ALLISON. Will the Senator allow me a moment?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. FORAKER. Certainly.

Mr. ALLISON. Do I understand the Senator to claim that this provision is in order on account of what is contained in section 35 of the act of 1901?

Mr. FORAKER. No.

Mr. ALLISON. Or does he claim that on an appropriation bill, without any reference whatever to prior legislation, we have a right to provide for these camp sites?

Mr. FORAKER. Mr. President, as the Senator was out of the Chamber for a time, I will repeat for his benefit that I am not discussing any feature of this point of order, excepting only the one question raised by it, whether or not this amendment is general legislation.

Mr. ALLISON. So I understand.

Mr. FORAKER. And I have distinguished this amendment from the clauses which have already gone out on this same point of order relating to the Medical and Ordnance Corps by showing that those sections were intended to become a part of the general statute, while this is not part of any general law.

Mr. ALLISON. I understand, then, the Senator bases his justification of this amendment on the ground that if we choose here to provide for purchasing camp sites wholly aside from section 35 of the law of 1901, we may do so.

Mr. FORAKER. Oh, no; not at all, Mr. President. That point has been considered by others who have spoken.

Mr. ALLISON. Very well. Then the Senator does not lay any stress on that.

Mr. FORAKER. The Senator from Wisconsin [Mr. SPOONER]—I do not know whether the Senator from Iowa was out of the Chamber at the time—called attention to the fact that this amendment was not subject to the point of order made by the Senator from Kentucky [Mr. McCREARY], because it was legislation to carry into effect a provision which had been made in an existing law.

Mr. ALLISON. I will ask the Senator another question, if he will allow me.

Mr. FORAKER. With pleasure.

Mr. ALLISON. Suppose, instead of providing here for four camp sites, as section 35 of the act of 1901 contemplates, we should put in a provision for twenty camp sites, would that still be in order?

Mr. FORAKER. If you were to designate those twenty sites as you have designated these four, it would still be special legislation, and it would not make any difference that there was a larger number so long as the provision did not embrace all the members of the class.

Mr. ALLISON. And it would still be in order, does the Senator contend?

Mr. FORAKER. It would certainly be special legislation.

Mr. ALLISON. That is to say, suppose this point of order is not sustained, then it would be in order, would it, for the Senator from Kentucky, who seems to be interested in behalf of his State in the West Point, Ky., location, to move to add that, so as to make another camp site? Would that be in order?

Mr. FORAKER. Yes; it would be if he did it in a specific way, as is done here. The distinction is so broad and is so perfectly plain that I wonder anybody can even appear to fail to see it, understand it, and appreciate it.

Mr. ALDRICH. Mr. President, if I understand the Senator from Ohio [Mr. FORAKER], this amendment would be in order if there had been no previous legislation of any kind upon the subject. That must be so from his statement.

Mr. FORAKER. It would be, so far as the question of general legislation is concerned, on that particular question.

Mr. ALDRICH. I am not discussing that point.

Mr. FORAKER. I say that is the only one I am discussing. This is another point of order altogether. As I said in the beginning, I did not propose to address myself to that, for I think the Senator from Wisconsin [Mr. SPOONER] well answered all that was said in that respect. It does not depend upon the number of things that are to be affected by an act of legislation, so long as we do not affect all of that particular class to which the number designated belongs.

As for instance, to go back to what I was talking about a moment ago when the Senator from Maine [Mr. HALE] interrupted me, if we were to authorize the Secretary of War to proceed to make surveys and examinations and contracts for the purchase of camp sites in such number as he might see fit, exercising his judgment as to their necessity for the military service or the necessities for properly drilling and disciplining the National Guard, and direct how he should be governed in discharging that duty, that would be general legislation. But we have got to take the case as it is, and when we provide by act of Congress that there shall be a hospital building—to use an illustration employed by the Senator from Wisconsin—erected in the city of St. Louis, on a particular piece of ground that is designated and described in the bill, at a cost not exceeding a certain amount, for which there has been an estimate made, that is not general legislation. That does not affect all the hospitals in the country. That does not affect all of the country. That affects only one particular transaction. It is one hospital out of the whole class of hospitals that the Government may see fit to provide. And that is special legislation. It is not general legislation.

So, as we frequently do in our State when we have occasion to legislate for one particular city, we can not do it under our con-

stitution, which requires legislation of a certain kind to be by general law, except we so frame it as to make that legislation apply to all the cities of that particular class.

Mr. GALLINGER rose.

Mr. FORAKER. If you make it applicable to only one, whether it be by name or description, it will be held to be special legislation—special legislation because it refers to only one member of a class instead of to all the members of the class. That is the rule, and whether it be applied to municipalities, or to individuals, or to hospitals, or to localities, or what not.

We have every day an illustration—if the Senator from New Hampshire will pardon me for just a moment further—in the legislation that is brought in here from the Committee on Pensions and in the legislation brought in here from the Committee on Military Affairs, and we have had within the last week or two an illustration of the difference between general law and special law. I refer to the fact that we have bills reported from the Committee on Military Affairs removing the charge of desertion from the record of John Jones or doing something else for some particular individual in the way of relief. That is special legislation.

Special legislation may be either public or private. That is another classification which it is not necessary for me to go into. But when we bring in a bill, as we did the other day, from the Committee on Military Affairs, providing that all officers of the Army who have served a certain period of time mentioned in the bill shall, upon retirement, on certain terms and conditions, have given to them an additional rank—be given a promotion with which to retire—making it applicable to all of the class prescribed—that is general legislation. Is not that perfectly simple? The increased expense consequent upon that increased rank is to be paid for out of the common Treasury of the country.

Mr. GALLINGER. Mr. President, if the Senator will permit me to make an observation—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. FORAKER. Whether it be in a special class or in the general class, the fact that it is paid out of the Treasury cuts no figure in determining whether it belongs to one class or another.

Mr. GALLINGER. The Senator has expressed astonishment that any of us differ with the view he takes. I confess I have been very much troubled over Rule XVI of the Senate and have wondered that it has not been made more explicit, but I can not subscribe to the Senator's view, and I want to ask the Senator this question: Supposing when the post-office appropriation bill was under consideration I had offered an amendment providing for the erection of a public building in the city of Dover, N. H., and it had been ruled that it was relevant to the bill, would the Senator hold that that would not go out on a point made that it was general legislation?

Mr. FORAKER. Yes; I would. That is special legislation; that does not refer to a class. It would be public, but special.

Mr. GALLINGER. The difference is so wide between the Senator's view and mine that of course it can not possibly be reconciled, but very likely the Senator may be right.

Mr. FORAKER. Mr. President, there must be some fundamental rule determining whether certain legislation is special or general. I have undertaken to point out what the rule is. Is there any doubt or uncertainty in the language I have read from the books? There is no criticism of that language upon the part of anybody.

Mr. GALLINGER. I thought, Mr. President, that it sustained our position.

Mr. FORAKER. Now, Mr. President, how can the Senator say that he thinks it sustains his position when the language I have read is that the difference between special legislation and general legislation is that general legislation applies to the whole country, or to all the objects that belong to a class or to all the persons that belong to a class, and that nothing is general legislation that does not apply to all the objects of a class, and that everything is special legislation, whether it be public or private—and it is not now necessary to discuss that—that applies to a less number than all the numbers of a certain class.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. FORAKER. Yes.

Mr. ALDRICH. It is the same question which I asked the Senator from Wisconsin; that is, whether he thinks an amendment to this provision authorizing the purchase of sites as drill grounds for the Naval Reserve in certain designated States and under certain designated conditions would be in order?

Mr. FORAKER. Mr. President, if you were to add to this amendment a provision that a certain designated piece of land should be purchased, and appropriating one hundred thousand or five hundred thousand dollars for it, directing the purchase of it, no matter what the particular purpose might be, it would not be general legislation. That would be special legislation.

That would not be a law for the whole country. That would not affect anybody or anything except only the public Treasury, out of which it must be paid—which, as we have seen, does not determine whether it is special or general, and the particular spot or locality that is to be purchased.

Mr. President, I do not want to pursue this matter any further. As I have said two or three times, I have no special interest in it. I do not care anything about the camp sites, except only in a general way. I have favored the policy of making some provision for the proper gathering together, drilling, and disciplining of our National Guard.

I favored the law that is referred to in this amendment when it was enacted; I voted for it in the committee, and I voted for it here in the Senate, and I participated in the debate in support of it to a limited extent, as I now remember. My interest is, as I have said, not on account of what we are proposing to do, but simply on account of the ruling that the Chair is asked to make.

This is wholly unlike the amendments in regard to the Medical Corps and the Ordnance Corps for reasons I need not repeat. Those were amendments to the general law which were to become a part of the general law of the whole country. They provided for the organization, conduct, and government of recognized and established departments of the military branch of the Government.

Mr. QUARLES. And control the entire class.

Mr. FORAKER. And control the entire class. They provide what the rank of the officers at the head of each of these departments shall be, how many officers there shall be of the different ranks mentioned, and who shall serve in these respective departments. It is a general law in every sense of the word, while the amendment in regard to the camp sites is wholly and absolutely different. This amendment simply says certain camps, describing them, having been selected and the price having been fixed, we hereby authorize the Secretary of War to go and purchase them.

Mr. FULTON. I should like to ask the Senator a question for information.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. FORAKER. Yes.

Mr. FULTON. What would be the difference between this amendment and one which proposed to provide 100 additional acres of land for the West Point Military Academy?

Mr. FORAKER. There would not be a bit of difference.

Mr. FULTON. Would that not be general legislation?

Mr. FORAKER. No. If you were simply providing by law that somebody might go and select 100 acres of land under certain conditions, that might be a general law, because it would apply generally, but if you should designate and describe 100 acres of land at West Point and authorize an appropriation and direct somebody to go and make the purchase, that would be purely and simply special legislation. There is no question about that.

Mr. FULTON. Would that not be for the use of the entire country?

Mr. FORAKER. What it may be for the use of, Mr. President, is not the test, as I understand it.

Mr. FULTON. Would it not be for general use?

Mr. FORAKER. Certainly it would be for general use.

Mr. FULTON. And if it is for general use, would it not be general legislation?

Mr. FORAKER. It is not the use to which a purchase may be subjected, as I understand it, that determines whether it is special or whether it is general. If you provide—

Mr. FULTON. If the Senator will allow me—

Mr. QUARLES. Will the Senator from Ohio [Mr. FORAKER] allow me to suggest to the Senator from Oregon [Mr. FULTON] that that would not be for general use? It would be for the use of a particular class, and not for general use; it would be for the use of the people who are sent to that training school.

Mr. FULTON. Yes; for the general benefit of the whole country.

Mr. QUARLES. No.

Mr. FULTON. Take it in the States, for instance. A law which provides for the incorporation of a particular locality is termed a special law, because it is one for the use and benefit of that particular locality. But suppose you propose to erect a public building for the use of the entire State, everyone will admit that is a public statute, a public law, a general law.

Mr. FORAKER. Mr. President, the Senator will allow me to remind him that there are different classifications than those of special and general laws. There is another classification of public and private statutes. I have already referred to it, but I have not discussed it. A statute to authorize the building of a hospital would be a public statute, because it is to serve a public use, but it would not be a general statute.

Mr. FULTON. That is correct so far as a public statute is com-

cerned. I did not intend to use it with that meaning. I say a law providing for the erection of a building for the use of the entire country, for a State building, or a Government building is a general law.

Mr. HOAR. If the Senator from Ohio will permit me, may I ask the Senator from Oregon a question in regard to the statement he has just made?

Mr. FORAKER. Yes; but I want to get through.

Mr. HOAR. If legislation providing for the building and establishing of hospitals and public buildings be general legislation—

Mr. BLACKBURN. It is impossible on this side of the Chamber to hear the discussion.

Mr. HOAR. If it be said that a provision for a new building because it is for the use of the General Government is general legislation, the purchasing of a new mail bag at a cost of \$3 would be general legislation. There is not much difference.

Mr. FULTON. I do not think there is any difference, for the purchasing of supplies can be limited to one mail bag or a thousand. I do not think the number makes any difference. If you are purchasing for the use of the people, for the general use, for the use of the Government, it is general legislation. If it is general in its purpose and use, it is general legislation, because it is not confined to any locality, or to any individual in its use.

Mr. FORAKER. We have been talking about hospitals and about public buildings generally. Let us take another very familiar illustration—that of a bridge. Would anybody pretend to say that an act of the legislature authorizing the construction and maintenance of a bridge over a designated stream in a particular State would be a general law?

Mr. FULTON. If the Senator will allow me—

Mr. FORAKER. It would be for public use and a public statute, but it would not be a general law.

Mr. FULTON. It is not for the use of this Government. If we authorize the construction of a bridge in a particular State, we give the State in that locality the right to build that bridge for the use of the State. We consent to it because we have control of the public waters; but it is not for the general use of the Government.

Suppose you build a military bridge for the use of the Government, for the use of the Army; then it becomes a general matter and it is general legislation.

Mr. QUARLES. If the Senator from Ohio will pardon me a moment, I think the Senator from Oregon is hoist by his own petard. He has given an illustration of the purchase of additional acres for the use of the Military Academy. That is not for the use of the people of the United States; it is a restricted use; it is a facility for a particular class—namely, those few chosen ones who go to that academy. It is fenced in with those grounds. It is not for general use. The public can not use it; it is used by a class.

Mr. FULTON. I will not further take the time of the Senator from Ohio.

Mr. FORAKER. I am very thankful to the Senator from Oregon for having interrupted me. I know he only wanted to get the right of it, and that is all I want. I have no interest in the legislation that is proposed, but I have the interest that every other Senator ought to have in the ruling that is to be made, and we ought to settle, and settle it right, what is meant by general legislation.

The Senator has put a number of illustrations. He speaks about legislation for a public building. That, Mr. President, gives rise to another classification entirely, to which I have already referred. But I repeat that there are special statutes that are public in their nature.

A statute authorizing a bridge across a river is a statute authorizing a public convenience, and it is therefore a statute that the courts will take judicial notice of, because it is public in its nature; but an act authorizing John Jones to receive \$6 per month pension is special and also purely private. It is private and special, while a bridge statute is public and special. The courts will not take judicial notice of a bill relieving a man from the charge of desertion or to correct his military record. Neither will they take any notice of a statute granting an individual pension, because it is purely private, although the expense which it occasions is paid out of the public Treasury.

You must plead it whenever you want a court to take notice of it. But if you provide that all soldiers suffering a certain described disability shall have a certain named pension, that will be a public and also a general law of which the courts will take judicial notice.

Mr. HALE. I was about to suggest to the Senator that the President pro tempore of the Senate has indicated—and he was undoubtedly correct—that the first question to be submitted to the Senate is the question whether the amendment is germane.

Mr. FORAKER. Yes.

Mr. HALE. And I suggest to the Senator—I do not want to

interrupt his remarks—that in the order of our business the other point, as to whether it is general legislation, will come up afterwards. Is it not better to have these points settled in the order in which they come?

Mr. ALDRICH. I think we should have the question of general legislation settled first.

Mr. FORAKER. That is probably true. I have not had anything to do with arranging the order of this debate—I took it up just as it was brought before the Senate; but if we were to now pay much attention to the order in which we do things, it would be about the first time we have ever done that since I have been a member of this body. We do things usually just as they come up.

Mr. QUARLES. I should like to ask the Senator from Ohio a question.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FORAKER. Certainly.

Mr. QUARLES. Would not the rule contended for here, that the procurement of a facility for a class is general legislation, if it were held to be the established rule, cripple every appropriation committee of this body?

Mr. FORAKER. It would make it absolutely impossible to amend any appropriation bill with any provision of this nature; clearly so.

Mr. GALLINGER. There is no doubt of that.

Mr. FORAKER. I might agree, and perhaps will—though I do not think I shall—as to the impolicy of making this appropriation. I have not considered that at all. But I am not going to agree, for the sake of killing something that may be objectionable in itself, to the establishment of a rule or to the making of a ruling which is going to plague us hereafter every time we undertake to legislate. I do not generally have much respect for points of order, anyway. They are always aimed at meritorious legislation that can not be defeated in any other way. I believe a parliamentary body should be fairly free to do as it sees fit and not be hedged about with a lot of fine points that somebody who studies points rather than the general good is always ready to make.

But I do not wish to detain the Senate any longer. I have tried to make it plain that in my opinion this is purely special legislation. It will be, however, legislation of a public character, because it relates to a public use and is to be paid for out of public funds. It is public legislation of which the courts will take judicial notice. But it is not general legislation, because it does not refer to all the members of a class nor to the whole country; and those are the absolute requisites of a general statute.

Mr. BLACKBURN obtained the floor.

Mr. HALE. Does the Senator object to the submission to the Senate of the question whether the amendment is germane? Then this other matter—

Mr. BLACKBURN. The other matter has been argued, I will say to the Senator from Maine, for the last two or three hours. If you are going to submit the relevancy question to the Senate, and it should be decided in a certain way, that would be the end of the argument. So it seems to me that as the debate has already taken so wide a course we had better finish it before the Senate votes.

Mr. FRYE (Mr. KEAN in the chair). But the Chair recognized the last point of order made by the Senator from Kentucky [Mr. McCREARY], which was that the amendment is not germane, and that, in the judgment of the Senator from Maine, is the first question to be settled by the Senate.

Mr. McCREARY. But the senior Senator from Kentucky desires to be heard on that subject and on other branches of the case.

Mr. FRYE. I should not think any Senator would wish to be heard on the question whether or not the amendment is germane.

Mr. McCREARY. I think it is not germane.

Mr. BLACKBURN. It may be that the distinguished President pro tempore of the Senate agrees with some of the rest of us that there is no room for a difference of opinion on the question of its relevancy.

Mr. FRYE. I do not think there is.

Mr. BLACKBURN. I do not think so either.

Mr. HALE. Let us have the matter submitted to the Senate.

Mr. BLACKBURN. No, I object; because this debate has not been confined to either of the propositions involved in the point of order, but, as every Senator knows, it has covered both. Not a Senator has been heard who has not argued both the question as to its relevancy and as to whether it is general legislation.

Mr. FRYE. But what would the Senator say if the junior Senator from Maine should now take the chair and submit to the Senate the question whether or not this is germane?

Mr. BLACKBURN. Under the rule, that question the Chair has to submit to the Senate, and I would expect the junior Senator from Maine on the call of the roll to vote "nay."

Mr. FRYE. He would undoubtedly.

Mr. BLACKBURN. I am sure he would.

Mr. President, the truth is that a good many years ago the distinguished President pro tempore of the Senate and I served together on the Committee on Rules in the House, and since that time we have served together on the Committee on Rules in the Senate, at one time when I was chairman of the Committee on Rules. So during an acquaintance covering a period of thirty years almost, I have known by close contact that the junior Senator from Maine was too good a parliamentarian to have a doubt in his mind as to the point of order that has been raised here.

Mr. President, in a Congressional experience—

Mr. FRYE. Is the Senator from Kentucky undertaking to bribe the Presiding Officer?

Mr. BLACKBURN. No, sir; on the contrary, I had the assurance of the distinguished Senator that I was correct before I expressed an opinion.

In a Congressional experience that is becoming somewhat lengthened and extended, I have never heard so plain a proposition discussed at such length or so elaborately as this has been.

There were three items inserted in this bill. It is not denied that this is an appropriation bill for the specific purpose of providing for the maintenance and support of the Military Academy of this Government, located at West Point. I am a member of the Committee on Military Affairs. The senior Senator from Ohio [Mr. FORAKER] has told you the position he took in that committee upon these amendments. So I have his example to follow when I tell you that I opposed in the committee this amendment known as the "camp-site amendment." There were two others—the one providing relief for the Medical Corps of the Army, the other providing relief for the Ordnance Corps of the Army. I cordially favored both of those amendments.

I believed that the Medical Corps and the Ordnance Corps needed the relief that those amendments, which have just been ruled out, attempted to give to them. I was opposed to the camp-site amendment, and I may subject myself to the criticism of the distinguished Senator from Texas, who has already taken occasion to call the attention of the Senate to the fact that probably my colleague's opposition to the amendment was traceable to, or in some remote degree connected with, a failure upon the part of Kentucky to get a camp site included in this proposed legislation.

I may subject myself to a more severe ordeal and one more dreaded even than that presented by the Texas Senator as to my colleague, and that is that I may fall under the criticism of my facetious friend the junior Senator from Wisconsin [Mr. QUARLES], who has undertaken to criticize the Government's experience in its last fall's venture to have these maneuvers held upon a Kentucky camp site which is not included in the proposed amendment.

The Senator from Wisconsin tells us that the Government ought never to undertake to rent a camp site again; that it must buy the sites, and buy them now, because, he said, the frightful enormity of the bills that came in from Fort Riley and West Point last fall ought to deter the Government from ever undertaking to rent another camp site for army maneuvers.

When I asked him what the aggregate claims amounted to, he said the two together totaled about \$8,000. If you will divide that by two and charge half of it up to the Kentucky camp site and the other half to the Kansas camp site, it is \$4,000 each. There were 8,000 soldiers encamped at West Point in those maneuvers last fall, and the enormous, frightful costliness of the experiment in the way of claims for damages put into figures amounts to a half dollar per capita, according to the figures of the Senator from Wisconsin.

Mr. President, as a member of the Committee on Military Affairs I opposed and voted against this camp-site amendment. It was pending as an original bill both in the Senate and in the other House. When it was taken up and put on as an amendment to the Military Academy bill, I said to the Senate Committee on Military Affairs that, while I favored both of the measures of relief for the Medical Corps and the Ordnance Corps, "A point of order will be made against all three of these items, and as surely as that point of order is made, it will be sustained, and all three will go out of this bill." I did not believe then, I never have believed, I do not believe now, that any ruling could be made except to sustain the point of order, as the Chair did do upon the Medical Corps amendment and as the Chair did do upon the Ordnance Corps amendment, and as it seems to me the Chair must do upon this camp-site amendment.

As to whether it be relevant or not, under the provision of one section of the sixteenth rule of the Senate that matter must be submitted to and be determined by a vote of the Senate. As to the question of its being general legislation, under another clause of the sixteenth rule it is the duty of the Chair to rule; and I have no doubt now as to what that ruling will be. I may not undertake to say what the result of the vote of the Senate will be upon the question of relevancy, but this I do want to say: It would be

unfortunate for the reputation of the Senate, it would be more than unfortunate for the reputation of this body, if, after a point of order has been made on all three amendments, the one for the relief of the Medical Corps shall have fallen, and the one for the relief of the Ordnance Corps shall have followed it, and the one establishing these four camp sites shall work through. What will the public think? What will the world think of the method the Senate has of applying and executing its own rules?

Senators may differ, evidently from this debate Senators do differ, as to which of these three amendments is most obnoxious to the sixteenth rule that you have adopted for your government, but it seems to me there can be no difference of opinion among us on that question.

This is a bill to maintain the Military Academy, and for no other purpose, and yet it seems to me to be far more reasonable that you should put upon it a proviso that looks to the management of or to the relief that is sought by one of the corps of the Army than to undertake to go into the open market for the purchase of land in order to select and provide for army-camp sites from the Atlantic to the Pacific Ocean.

The amount of money involved should cut no figure in disposing of the point of order; and yet the Senate will not fail to remember that this very amendment which is now under debate on this point of order carries as an initiative a little over two millions of money that is to buy the land.

You do not know, nor do I, nor can any man tell what amount of money is involved in the adoption of this amendment. These two millions and more of dollars are simply to buy the naked land. Nine hundred thousand dollars of it goes to buy a site in the State of Pennsylvania. Will you undertake to tell me, and have you any authority for saying it, it will not cost more than \$9,000,000 to improve the Pennsylvania camp site which you are going to buy for \$900,000? Five hundred thousand dollars of it goes to buy a site in the State of Wisconsin. Will either of the Senators from that great State give us their assurance that it will not cost this Government more than \$5,000,000 before the Government gets through completing the equipment of the site they favor? Five or six hundred thousand dollars of it goes to the State of California to buy a lot of naked land. Will the Senators from California answer and obligate themselves to protect the Government against the expenditure of ten or twelve million dollars of money for the completion of that site after its purchase? So with all of them.

This amendment carries \$125,000 to purchase a site in the State of Texas, and then it carries an appropriation of \$100,000 to add to the holding at the camp site in Chickamauga. So you have about \$2,100,000 of an initiative expenditure. And whilst it may be conceded that it is all guesswork, I apprehend that no Senator here would be prepared to deny, or warranted in denying, the guess of twenty-five or thirty million dollars before you get through if you should adopt the amendment that is here objected to.

I did not make any point of order against this amendment. I had hoped that the other two amendments might go through without a point of order being made, and as I felt that way toward those two amendments it did not become me to enter the point of order against the camp-site amendment. I am not only a member of the committee that reported the bill, but I am one of the subcommittees who stand here tendering it to the Senate. But I can not doubt, I do not doubt, that the Chair did right when he sustained the point of order against the other two amendments, and I am sure he will do right if he sustains the point of order against this amendment.

Mr. CULBERSON. Mr. President, I can not expect and do not expect to add anything to what has been said by the Senators from Wisconsin and the Senator from Ohio [Mr. FORAKER] on the points which they discussed in reference to the point of order. There is, however, one phase of this matter to which I desire to call the attention of the Chair, of which, so far as I recollect, and so far as occurred in my presence, no mention has been made this afternoon.

The point of order, as I understand it, is that this section of the bill relating to camp sites is general legislation, and consequently obnoxious to the third subdivision of Rule XVI of the Senate.

In the discussion of the Indian appropriation bill some ten days or two weeks ago the President of the Senate laid down what in my judgment is the best rule I have heard as to what is general legislation within the meaning of this rule of the Senate, and that was this: That any legislation on an appropriation bill which continues in force after the appropriation bill itself has died is general legislation, and that any provision of an appropriation bill carrying an appropriation which becomes functus officio after the expiration of the time the appropriation bill is operative is not general legislation.

Mr. President, what does that mean? It means that if there is any general provision on an appropriation bill which continues operative and effective after the appropriation bill shall have expired by limitation, or, to put it differently, any provision for the

regulation of the Government or its officials which remains in force after the appropriation bill itself becomes functus officio is general legislation within the meaning of this rule, and therefore obnoxious to it.

In passing, I may say that this provision with reference to the camp sites is neither more nor less than an appropriation to carry into effect section 35 of the act of February 2, 1901. That phase of it has been fully discussed by Senators who have heretofore spoken. In addition to that, it will be observed that the provision to which objection is made does no more than make an appropriation for the purchase of these sites, and after the purchase is made—and it must be made within the next fiscal year or not at all—then the provision ceases to be effective, ceases to be operative, and is not general legislation regulating the conduct of the officials of the Government thereafter.

Mr. ALDRICH. Why does the Senator say the purchase must be made this year?

Mr. CULBERSON. Because the appropriation is limited to the fiscal year.

Mr. ALDRICH. Oh, no.

Mr. CULBERSON. I so understand it.

Mr. ALDRICH. Oh, no.

Mr. CULBERSON. It certainly dies with the bill.

Mr. ALDRICH. No.

Mr. CULBERSON. Suppose that to be the case—

Mr. QUARLES. If the Senator will permit me, to phrase it a little differently, after the purchase of the sites this amendment lays down no rule of action to control anybody. It is at an end.

Mr. CULBERSON. Certainly. But I was going to add, in answer to the suggestion of the Senator from Rhode Island, that this provision of the bill, in the language of the President pro tempore of the Senate in the case of the Indian appropriation bill, dies with this bill itself and does not remain on the statute books as a general regulation.

In the case to which I referred there was a provision in the Indian bill changing an agreement for a treaty with reference to certain Indians, carrying an appropriation of a million dollars, and the President of the Senate held that that was not general legislation within the meaning of this rule, notwithstanding it amended a statute of the United States, because the appropriation died with the bill.

The Senator from Kentucky [Mr. BLACKBURN] insists that this provision which we are now considering ought not to be held to come within the rule because the amendments with reference to the Medical and Ordnance Corps have been stricken out.

But, as has been pointed out by the Senator from Ohio, they are entirely distinct, those regulating the Ordnance and Medical Departments remaining upon the general statutes of the country, containing regulations for the future, and this one expiring with this bill; if not in the fiscal year, certainly in two years.

Mr. ALDRICH. Will the Senator allow me to ask him a question in this connection?

Mr. CULBERSON. Certainly.

Mr. ALDRICH. This amendment in the eighth and ninth lines, on page 31, says:

For the instruction and maneuvering of troops of the Regular Army and National Guard.

Is that to end this year?

Mr. CULBERSON. The purpose of that, and that is what makes it germane to this bill, it seems to me, is to provide a camp of instruction to be used in connection with the Military Academy after these officers shall have graduated and ceased to be members of the corps of cadets at the Military Academy. It does not matter what ulterior or indefinite effect certain provisions of this proposed law may have, nor what use is to be made of the property, because that is to be regulated hereafter by Congress, and the suggestion of the Senator from Rhode Island is answered by the proviso at the end of the bill:

That no permanent military post shall be established, or any steps taken looking toward the establishment of a post, on any of the camps hereby authorized to be purchased without express authority of Congress.

That shows that this is a mere temporary provision, which dies with the bill, and that the further use of these camps, their further regulation, is to be determined hereafter by Congress.

Mr. HALE. Does not the Senator think these camp sites will be on the Government's hands at the end of the year?

Mr. CULBERSON. Certainly, they will be on the Government's hands just like any other property that the Government may purchase.

Mr. HALE. And will be our property.

Mr. CULBERSON. Certainly.

Mr. QUARLES. But there is no regulation.

Mr. HALE. The question of regulation is not the main thing. They will be our property.

Mr. QUARLES. Yes.

Mr. HALE. And if it is not general legislation to increase the

property of the Government in this way all over the country, then I can not see what is general legislation.

Mr. CULBERSON. In answer to the Senator from Maine, I will say that this is nothing except a specific appropriation in an appropriation bill to buy property which shall hereafter be used as camps of instruction in general connection with military instruction at the Academy, as may hereafter be determined by Congress.

Mr. CULLOM. Camps all over the United States?

Mr. CULBERSON. It goes no further than what I have suggested. After the purchase of the property during the life of this bill the provision is no longer effective. I simply want to invite attention to this particular phase of the question, to which heretofore allusion has not been made.

Mr. HALE. Mr. President, let us have the proposition.

The PRESIDING OFFICER. The Chair submits to the Senate the question of the relevancy of the amendment.

Mr. HALE. The question is whether it is germane to the bill.

The PRESIDING OFFICER. The question is whether the amendment is germane to the bill.

Mr. QUARLES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Wisconsin suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Culberson,	Hansbrough,	Penrose,
Alger,	Cullom,	Heyburn,	Perkins,
Allee,	Daniel,	Kean,	Pettus,
Allison,	Depew,	Kearns,	Platt, Conn.
Ankeny,	Dietrich,	Kittredge,	Platt, N. Y.
Bacon,	Dubois,	McCreary,	Quarles,
Bailey,	Foraker,	McLaurin,	Scott,
Bard,	Foster, Wash.	Mallory,	Simmons,
Bate,	Frye,	Martin,	Teller,
Blackburn,	Fulton,	Millard,	Warren,
Burrows,	Gallinger,	Mitchell,	Wetmore.
Clapp,	Gamble,	Money,	
Clark, Wyo.	Gorman,	Morgan,	
Clay,	Hale,	Newlands,	

The PRESIDENT pro tempore. Fifty-three Senators have responded to their names. There is a quorum present. The question before the Senate is whether this amendment is germane to the appropriation bill. Senators in favor of holding that it is germane will say "aye," opposed "no." [Putting the question.] By the sound the yeas have it.

Mr. QUARLES. I call for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT pro tempore. Senators holding that the amendment is germane will say "yea" as their names are called. Those holding that it is not germane will say "nay." The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I am paired with the junior Senator from Missouri [Mr. STONE]. As he is not in the Chamber, I withhold my vote.

Mr. DILLINGHAM (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], which I will transfer to the Senator from Indiana [Mr. FAIRBANKS]. I vote "nay."

Mr. KEARNS (when his name was called). I have a general pair with the Senator from Montana [Mr. GIBSON].

Mr. KITTREDGE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. PATTERSON]. In his absence I withhold my vote. If he were present, I should vote "yea."

Mr. McLAURIN (when his name was called). I have a general pair with the senior Senator from Washington [Mr. FOSTER]. I do not see that Senator in the Chamber, and I withhold my vote.

Mr. MILLARD (when his name was called). As the junior Senator from Arkansas [Mr. CLARKE], with whom I am paired, is not present, I withhold my vote.

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR].

Mr. SCOTT (when his name was called). I have a general pair with the Senator from Florida [Mr. TALIAFERRO], and withhold my vote.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is necessarily absent.

Mr. BATE. I do not know how my colleague would vote on this question.

Mr. SPOONER. I have conversed with the Senator's colleague as to his attitude, and I do not feel at liberty to vote. I therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. QUARLES. I can inform my colleague that the Senator from Tennessee [Mr. CARMACK] favors the amendment.

Mr. SPOONER. On that statement I vote "yea."
The roll call was concluded.

Mr. BAILEY (after having voted in the affirmative). I voted, but I have a general pair with the Senator from West Virginia [Mr. ELKINS], and, observing that he is not in the Chamber, I will withdraw my vote.

Mr. CLAY. I desire to inquire if the junior Senator from Massachusetts [Mr. LODGE] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. CLAY. I am paired with the junior Senator from Massachusetts.

The result was announced—yeas 17, nays 36, as follows:

YEAS—17.

Alger,	Culberson,	Penrose,	Stewart,
Bacon,	Dietrich,	Perkins,	Warren.
Bard,	Foraker,	Proctor,	
Bate,	Heyburn,	Quarles,	
Clapp,	Nelson,	Spooner,	

NAYS—36.

Aldrich,	Dick,	Hale,	Mitchell,
Allee,	Dillingham,	Hansbrough,	Money,
Allison,	Dolliver,	Hopkins,	Newlands,
Ankeny,	Dubois,	Kean,	Overman,
Berry,	Frye,	Latimer,	Platt, Conn.
Blackburn,	Fulton,	Long,	Platt, N. Y.
Burrows,	Gallinger,	McCreary,	Simmons,
Cullom,	Gamble,	Mallory,	Teller,
Daniel,	Gorman,	Martin,	Wetmore.

NOT VOTING—37.

Bailey,	Cockrell,	Kearns,	Pettus,
Ball,	Depew,	Kittredge,	Quay,
Beveridge,	Dryden,	Lodge,	Scott,
Burnham,	Elkins,	McComas,	Smoot,
Burton,	Fairbanks,	McCumber,	Stone,
Carmack,	Foster, La.	McEnery,	Taliaferro.
Clark, Mont.	Foster, Wash.	McLaurin,	Tillman.
Clark, Wyo.	Gibson,	Millard,	
Clarke, Ark.	Hawley,	Morgan,	
Clay,	Hoar,	Patterson,	

The PRESIDENT pro tempore. The amendment is declared not germane. Are there further amendments?

Mr. WARREN. The committee have no further amendments to offer.

Mr. MALLORY. I desire to ask the Senator from Wyoming relative to the amendment on page 24, at line 16.

Mr. WARREN. What is the inquiry of the Senator from Florida?

Mr. MALLORY. I see that the amendment there provides a school for children, and I observe by the report that there are some 250 children there. I should like to inquire of the Senator what children they are and what they are doing there?

Mr. WARREN. They are the children of the officers and men of the Army and of the civilian appointees and employees at West Point.

Mr. MALLORY. They are not in any way connected with the Academy, I understand. I should like to inquire of the Senator if there is any precedent for it?

Mr. WARREN. I will say to the Senator that there is only one regular United States Military Academy—the one at West Point—so that necessarily there could be no precedent.

Mr. MALLORY. I do not imagine that that is the only locality in the country where the Government has exclusive jurisdiction. There are probably military reservations and military posts where there are as great a number of children as at West Point. I am in favor of the amendment. I should like to know if there is any precedent for it?

Mr. WARREN. As I remarked before, there can be no precedent, because the difference in the condition at West Point and of Government ownership and jurisdiction at the various military posts is that at West Point there are those employed year after year for almost a lifetime perhaps, and their children have not convenient access to schools outside the reservation. It has seemed to your committee that with the great military school there for the education of officers of the Army we can hardly afford to neglect the children and provide no means for them to obtain a common school education.

Mr. MALLORY. It is a fact that those children have no other means of obtaining an education, unless the Government provides for it. I have a case exactly similar in my State, and I propose hereafter to cite this as a precedent.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed

to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14826) to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska.

The message also announced that the House further insists upon its amendment to the bill (S. 2134) to connect Euclid place with Erie street, disagreed to by the Senate, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. SAMUEL W. SMITH, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the bill (H. R. 12833) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1905, and for other purposes, recedes from its disagreement to the amendments of the Senate No. 50, 51, 52, and 174 to the bill, upon which the committee of conference had been unable to agree, and agrees to the same.

The message also announced that the House had passed the joint resolution (S. R. 67) providing for the printing of Senate Document No. 240, relating to the beet-sugar industry in the United States; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a joint resolution (H. J. Res. 150) providing for the publication of 50,000 copies of the Special Report on the Diseases of Cattle; in which it requested the concurrence of the Senate:

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 4570) to provide an American Register for the steamer *Beaumont*; and

A bill (H. R. 12220) making appropriations for the naval service for the fiscal year ending June 30, 1905, and for other purposes.

SPUYTEN DUYVIL CREEK AND HARLEM RIVER BRIDGE.

Mr. BACON and others addressed the Chair.

The PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. DEPEW. Will the Senator from Georgia yield to me? I want to have a purely local bill passed.

Mr. BACON. If I have the right to do so, I will not object to the Senator calling up his bill, provided it does not occupy any time in the way of debate or discussion of any kind.

Mr. DEPEW. I ask unanimous consent for the consideration of the bill (S. 4713) to authorize the Spuyten Duyvil and Port Morris Railroad Company and its lessee, the New York Central and Hudson River Railroad Company, to build and maintain bridges or other structures for their railroad across the Spuyten Duyvil Creek and the Harlem River north of the Harlem River pier and bulkhead lines as now established in the city of New York.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

In section 1, page 2, line 7, after the word "bridges," to strike out:

Or such other fixed structures as may be required or convenient for the passage of railway trains and other railroad equipment thereon.

And insert:

That over the Spuyten Duyvil Creek to have a clear span of not less than 20 feet and to have a clearance above mean high water of not less than 3 feet 8 inches, and that over the Harlem River to have a clear span of not less than 25 feet and to have a clearance above mean high water of not less than 4 feet 8 inches.

In line 16, after the word "bridges," to strike out "or other structures;" in line 23, after the word "bridge," to strike out "or other fixed structure;" on page 3, line 8, after the word "bridge," to strike out "or other fixed structure;" and on the same page, line 16, after the words "Kings Bridge," to insert the following proviso:

Provided further, That when consents thereto shall have been executed in manner aforesaid, by each and all of the owners of land, or interest therein, bordering upon the portion of the Spuyten Duyvil Creek and the Harlem River, respectively, northerly of the Harlem River pier and bulkhead lines, as now established, the said railroad companies, or either thereof, may build, maintain, and use for their said corporate purposes, in lieu of the said fixed bridges, any such fixed structures as the said consents may designate.

So as to make the section read:

That it shall be lawful for the Spuyten Duyvil and Port Morris Railroad Company, a corporation existing under the laws of the State of New York, and the New York Central and Hudson River Railroad Company, a corporation existing under the laws of the State of New York, the lessee of the railroad of the said Spuyten Duyvil and Port Morris Railroad Company, to build and maintain upon, over, and across the land underlying and constituting the bed of the Harlem River and the Spuyten Duyvil Creek, respectively, at such respective points as said corporations, or either thereof, may select, north of the Harlem River pier and bulkhead lines as now established, in the Borough of Manhattan and in the Borough of the Bronx, in the city of New

York, fixed bridges, that over the Spuyten Duyvil Creek to have a clear span of not less than 20 feet and to have a clearance above mean high water of not less than 3 feet 8 inches, and that over the Harlem River to have a clear span of not less than 25 feet and to have a clearance above mean high water of not less than 4 feet 8 inches, and to lay over said bridges such number of railway tracks and other railroad appliances as the said corporations or either of them may deem their convenience to require for the more perfect connection and operation of any railroad or railroads that are or shall be constructed by them to the banks of the said river or the said creek: *Provided, however*, That as a condition precedent to the building of the said fixed bridge upon, over, and across the land underlying and constituting the bed of the Harlem River consents thereto in writing shall have been executed and acknowledged in the form required for conveyance of real estate in the State of New York by each and all of the owners of land or interest therein bordering upon that portion of the Harlem River between the northerly Harlem River pier and bulkhead lines as now established and the fixed bridge next northerly thereof and known as the Farmers Bridge; and that as a condition precedent to the building of the said fixed bridge upon, over, and across the land underlying and constituting the bed of the Spuyten Duyvil Creek consents thereto in manner and form above specified shall have been given by each and all of the owners of land or interest therein bordering upon that portion of the said Spuyten Duyvil Creek between the said northerly Harlem River pier and bulkhead lines and the fixed bridge next northerly thereof and known as Kings Bridge: *Provided further*, That when consents thereto shall have been executed in manner aforesaid, by each and all of the owners of land, or interest therein, bordering upon the portion of the Spuyten Duyvil Creek and the Harlem River, respectively, northerly of the Harlem River pier and bulkhead lines, as now established, the said railroad companies, or either thereof, may build, maintain, and use for their said corporate purposes, in lieu of the said fixed bridges, any such fixed structures as the said consents may designate.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. KEARNS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I would be very glad to do so, but it is manifest that every Senator in the Chamber has some particular matter to dispose of. If I yield to one I shall be compelled to yield to all.

Mr. CULLOM. I yield my hope of getting the floor, if the Senator will proceed with his speech.

Mr. BACON. I did not understand the Senator.

Mr. CULLOM. I say I will give up my chance of trying to get the floor to pass a bill, which I am anxious to do; but I know the Senator has to speak to-night, if at all, probably, and I hope he will proceed.

Mr. TELLER. The Senator from Georgia has the floor. He yielded the floor yesterday afternoon with the understanding that he would resume it at the first opportunity.

Mr. BACON. I hope no Senator will consider me discourteous, but it is evident that the desire is not confined to one or two Senators, but Senators all over the Chamber and immediately in my neighborhood are each one desirous of some indulgence at my hands, and if I yield to all it will be practically surrendering the opportunity to conclude my remarks.

Mr. GALLINGER. I ask the Senator from Georgia to yield simply that I may make a statement occupying a moment.

I have on two or three different occasions suggested that I intended to move an executive session. It was my purpose to do so this afternoon, but I am hoping that we will meet to-morrow morning a little earlier than the usual hour. In that case I shall move an executive session when we come together to-morrow, and for the purpose of not interrupting the proceedings this afternoon, I will state that I will not make that motion to-day.

Mr. TELLER. I intend now to object to the taking up of any more bills at this time. I enter my objection. The Senator from Georgia has the floor, or if he has not somebody else ought to have it.

Mr. BACON. Mr. President, it is very embarrassing, of course, to me to refuse to yield to any request that is made by a Senator, and I hope Senators will not consider me as indifferent to their wishes in such regard.

The PRESIDENT pro tempore. The Senator from Georgia has the floor.

TRUSTS AND PRICES OF MANUFACTURES.

Mr. BACON resumed the speech begun by him yesterday. After having spoken nearly an hour,

Mr. ALLISON. Will the Senator from Georgia yield to me for a moment?

Mr. BACON. Certainly.

ORDER FOR RECESS.

Mr. ALLISON. For the convenience of Senators and for the necessary transaction of business it is necessary that when the Senate has finished the work of this afternoon it shall take a recess until 10 o'clock to-morrow. The House will take the same recess, for there it is necessary to have a day's notice before finally concluding the consideration of conference reports on appropriation bills.

Mr. BAILEY. I desire to ask the Senator from Iowa, for the convenience of the Senate, if it is the expectation that Congress will adjourn on the 28th?

Mr. ALLISON. It is the hope, not to say the expectation.

Mr. BAILEY. Hopes are frequently disappointed; expectations seldom, when they arise out of assurances from the Senator from Iowa and his committee.

Mr. ALLISON. I think so far as concerns the Committee on Appropriations and matters relating to appropriations the Senate will be prepared to adjourn on Thursday.

Mr. BAILEY. I think we can make our calculations in that way. As a matter of personal convenience I wanted to know.

Mr. ALLISON. We can not tell what may fall by the wayside in the meantime, but I should think that may be fairly presumed.

I move that at 6 o'clock p. m. the Senate take a recess until 10 o'clock to-morrow morning.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Iowa that at 6 o'clock to-day the Senate take a recess until 10 o'clock to-morrow morning.

The motion was agreed to.

TRUSTS AND PRICES OF MANUFACTURES.

Mr. BACON. Mr. President, when I yielded the floor on yesterday I was engaged in presenting to the Senate the evidences of the fact of the sales of goods by American producers in foreign countries at rates less than the producers sold to American consumers. I wish to add a little to that particular line of the presentation.

I find in the Iron Age, a publication made in New York, on page 6, a communication from London as to the sale of American products of iron in the markets of Great Britain:

LONDON, November 7, 1903.

From the American point of view the British metal market is now becoming exceedingly interesting. It is almost, if not quite, in a panicky condition, because of the fear of American competition. It is curious to observe that German competition during recent months has been taken with considerable equanimity, but American competition, in the mind of the British maker and consumer, is a horse of another color.

Undoubtedly one or two small contracts have been made on American account, but so far the volume does not amount to much. Yet the mere threat has gone some distance in disorganizing affairs. Rumors of large contracts made with the United States Steel Corporation and with other American concerns are now thick as leaves in Vallombrosa.

Prices have been quoted by the corporation agents for "sheet bars" at 80 shillings, c. i. f., Liverpool. This is 2 or 3 shillings below German rates, and, of course, much below the English.

I have been unable to get quotations of prices at which "sheet bars" are sold to consumers in the United States, but it will be noted that the American prices in England are much below the English prices, and there can be no doubt in that case that they are very much below the prices charged in America to American consumers.

In the same publication a dispatch from Glasgow is to the following effect:

GLASGOW, November 6, 1903.

There have been many quotations from your side for pig iron, steel bars, etc., delivered in Glasgow, but no transactions, as far as I can learn, have been actually booked here. The first sale of 1,000 tons of American steel bars at Swansea was known here, I think, before New York. Further sales have been made up to 80,000 tons, over next six months, of American steel bars, or billets, for South Wales and Lancashire.

I read these extracts mainly for the purpose of showing that the transactions are not of a minor character, nor such as would be found if these parties were simply endeavoring to introduce their products into the British market, or in cases where they were endeavoring to work off an undesirable surplus which was on hand.

In connection with the above and for the same purpose I quote the following from Representative BABCOCK, of Wisconsin, the chairman of the Republican national committee, which appeared in the Washington Post September 21, 1901:

One of the points which impressed me of the desirability of revising the steel schedule was information I obtained in Scotland of the placing of an order for 20,000 tons of American steel. When you stop to think that 20,000 tons of steel mean more than 1,000 carloads, it will not do to say that such an order placed abroad by our manufacturers is only their surplus product.

I wish to again call attention to the Raoul letter for the purpose of discussing one point that I did not yesterday call attention to. I then read the letter in full, and in order to attract attention to the particular point I now have in view, it is necessary for me to read again only one sentence. This, the Senate will remember, is the letter written to me by the president of the Mexican National Railway Company, in which he stated that there had been for a long number of years a distinction between export prices and domestic prices in his purchases, his railroad being located partly in Mexico and partly in the State of Texas, and that higher prices were charged for all purchases made by him as to articles intended for use on the railroad in Texas than

as to those articles which were intended to be used in Mexico. In that letter there is this sentence:

For a long time past all our purchases have been made on the basis of export prices even though they have occasionally stopped in Texas, the competition being keen enough to produce this cut in prices in favor of the Texas shipments; so that it has been some time past since we have had any material differences, but those differences do exist and to an iniquitous extent.

The particular point I want to call attention to is this: Here was the president of a railroad located, as I have said, partly in Mexico and partly in Texas. The price for goods sold for consumption on that part of the railroad located in Mexico were recognized as export prices, which were lower than the prices of goods intended for consumption or use on that part of the railroad located in the State of Texas. The contention of those who defend the practice of selling goods for less in foreign countries than is asked for the same goods of the domestic consumers is that it is done for the purpose of introducing goods in the foreign market or for the purpose of working off a surplus, such as sometimes might be done by a merchant in selling at his bargain counter at less really than the goods were worth.

But in this particular case the statement of Mr. Raoul is that so anxious were these parties for the sale of the goods to him on the Mexican part of his railroad at the low export prices that on account of the competition to get that particular custom on the Mexican part of the road those parties would absolutely make the concession of giving the same low export prices on goods which were sold for use on the part of the road in Texas, showing that the trade of the Mexican National Railroad at the foreign prices was a valuable trade and not one entered into for the purpose of introducing goods, or for the purpose of working off a surplus, but one sought for upon the ground that it was a valuable trade, and, in order to secure that trade, they were absolutely ready to make the concession of the same low prices for the part of the railroad which was in Texas. If there is any Senator who can make any reply to that either now or in the future, I hope he will not fail to do so.

I gave yesterday certain statements as to particular instances which I denominated concrete. I have another instance to-day. This is information given me by a gentleman who has given his name and address, so that the matter can be verified if he has made any statement which is not entirely correct. The statement is made to me by Mr. William D. Lent. His address is Murray Hill Hotel, New York City. Mr. Lent is a retired merchant, formerly in the glass and paint business in the city of New York. His statement to me is that he was told within a year or so by a gentleman in the city of New York—who, by the way, is a Republican, and whose name Mr. Lent is ready to give to anyone, I presume, who will ask it of him; I do not mention it here for reasons that are sufficient—that this gentleman desired to purchase a sewing machine for his wife in the city of New York, and that he was asked \$55 for it, but not being willing to pay that price he went to an export agent to see if he could make any arrangement through him by which he could get this machine at a less price. The export agent stated to him that he could do so, but that in order for him to get the benefit of the export price he, the export agent, would have to buy the machine and send it to a ship in the port, and then send it back to him from the ship, the purchase being made manifestly with the understanding that it was for the export trade. He stated that this was done, and when the machine and the bill were sent to him the bill was \$18.

Mr. President, I have no personal knowledge of that, but I have given the name of the gentleman, so that if there is any desire for further inquiry about the matter it can be made.

Mr. BATE. So this man paid \$18 for his machine instead of \$55?

Mr. BACON. Yes; he paid \$18 instead of \$55.

It is possible that \$55 was the retail price in New York, and that \$18 was the wholesale export price. But as to this I have no information. But even if this is so, the very wide discrepancy in the two prices would indicate that even at wholesale prices the price to the domestic customer was at least twice as much, or more, as the price to the foreign customer across the water.

Mr. PLATT of Connecticut. I understand the Senator from Georgia does not know what the wholesale price of such a machine would be in New York.

Mr. BACON. I do not; but while I am not prepared to state what the wholesale price was, there is very little reason to doubt that the wholesale price was very far in excess of \$18, at which this New York gentleman secured a machine, which was intended by the seller to be sent abroad for what was supposed to be a foreign customer.

Mr. President, I have one other concrete matter to present to the Senate, which is of more general interest even than those of sewing machines. In the Washington Post in 1902—I am not prepared to give the exact date; but of course that is definite enough for identification—there is found an editorial upon this general subject, in which is given a statement of what was said in an editorial in the Philadelphia Press. Everyone will recognize, of

course, that the Philadelphia Press is one of the typical Republican newspapers of the United States, and that no statement to the effect that I am about to read would be made by that paper with any disposition to cast any reflection upon any protective feature of the present tariff law or upon its operation. This is what is stated by the Washington Post to be the statement made by the Philadelphia Press. It relates to the question of the price of butchers' meat to consumers in this country. It is as follows:

About the last source to which one would naturally look for an argument in favor of the reduction of any tariff schedule is the Philadelphia Press. In harmony with the Republican sentiment of Pennsylvania, the Press opposes tariff revision. In their recently adopted platform the Pennsylvania Republicans declare their "unswerving loyalty" to the Dingley tariff and set themselves squarely against any effort to revise it or to interfere in any way with its operations. They also "affirm the friendship of the Republican party for the breadwinner and the home builder."

To all this the Press heartily subscribes, seemingly unconscious that its party is going into the Congressional campaign under the management of an enthusiastic advocate of tariff revision, a revision that has for its central point the leading industry of Pennsylvania, which is protected by duties for which he declares there is no necessity and can be no defense.

But while the Press stands up bravely for the tariff as it is, although well knowing that some of its schedules were framed and adopted with a view to their cutting down almost immediately, the necessities of its position as a real newspaper compel it incidentally to condemn some of its provisions, and their condemnation is an inferential protest against other schedules that produce similar results. Just as the free-trade organs condemn their theory by printing the statistics of our industries, our commerce, our national finances, and savings-banks deposits, so the organs of extreme protection, of protection gone mad, furnish convincing arguments against their policy simply by printing facts. For example, just before the Republican Congressional candidates go out on a campaign in which they will find it impossible either to dodge or defend the tariff on meat the Press shows the difference in meat prices between Buffalo and Fort Erie, directly opposite in Canada. It says the beef trust has advanced the prices in Buffalo from 25 to 50 per cent. Porterhouse steak, for instance, is 24 cents in Buffalo and 16 cents in Fort Erie; loin steak, 15 cents in the city which is forced to pay beef-trust prices and 12 cents in Fort Erie. The Press says that the cost of living has been increased by the trust, so far as meat is concerned, from 10 to 50 per cent, as these figures prove.

It did not occur to our Philadelphia contemporary to mention any reason why the beef trust is able to run up prices on this side of the line, while they remain in statu quo on the other side. But it is likely to occur to a good many millions of consumers, and especially to wage-workers, that the duty imposed on beef cattle and all kinds of dressed meat is what has caused important change in the contents of the "full dinner pail."

Mr. President, I have presented not only general statements, but the evidence of the particular instances, from which it will be seen that the facts exist, that to a very great degree the prices of manufactures in the United States—not only manufactures, I might say, but, as I have just read, provisions, such as beef and butchers' meat of all kinds, is sold at an enormously higher rate in the United States than the same articles are sold by the same parties to persons in foreign countries.

From this I think I am entitled to ask, "What does the dominant party propose to do in the presence of such a fact?" In the first place, there can be no question as to the right of the public to demand that this particular amendment shall be adopted and that the Department of Commerce and Labor shall be charged with the duty of making the investigation and of reporting to Congress, and thus to the public, to what extent this practice goes, in order that they may determine to what extent and in what particulars the protective tariff in its schedules is extortionate and an oppression to the people.

Whenever, Mr. President, anything is urged in the way of tariff reform, the reply is that the effort is to restore free trade. Instead of defending the particular schedules, the issue is immediately sought to be shifted to the question as to whether or not a protective tariff is the proper thing, or whether or not a revenue tariff should be preferred to it. In other words, the effort is to endeavor to avoid the issue as to whether there is in exorbitant rates an abuse even from the standpoint of the protective tariff system. Whenever there is an effort made to correct a tariff abuse the reply is an outcry of "Free trade!" or "Tariff for revenue!" as if every opponent of free trade or of tariff for revenue only must necessarily approve and defend every abuse and iniquity perpetrated in the name of a protective tariff.

I desire to say for myself, Mr. President, that I think the time has come when men of all parties—Democrats as well as Republicans—should look at this matter from a practical standpoint, and if, by the practical operation of the protective tariff, there has grown up an abuse as to particular schedules, and under that abuse an oppression of the people in the exaction of extortionate prices, then every effort should be made to correct these particular abuses in the most practical way in which the end can be accomplished. I am free to say that whatever may be, from an abstract standpoint, the preference of anyone on the subject of tariff rates, I do not expect to see a low tariff in this country, certainly within the near future or within many years, whichever party may be in power. I do not expect to see a low tariff for two reasons. In the first place, the necessities of the Government will not permit of a low tariff. The expenditures of the Government have grown to such an extent that, in order to realize the necessary revenue for the support of the Government, the tariff rate must necessarily be high. And while there has been

much extravagance and the public expenditures far exceed what they should be, still the Government has grown to such an extent that even with the utmost economy the public expenditure would continue to be very great, and a very great revenue, even with such economy, will be necessary.

Another reason is that the business of the country has largely become adjusted to a high rate of tariff. The values of property of all kinds, of material, of services of all kinds, including salaries and wages, and all other values in the country are upon the scale resulting from the high tariff. And even if the opportunity were presented and there were not this necessity for a large revenue it would be impracticable without a dislocation and derangement of business, which could not be thought of or tolerated by the American people, to so change the tariff as to immediately reduce it from a very high tariff to a very low tariff.

But while I do not expect to see a low tariff, I do hope that we may see a reasonable tariff, one reasonable in rates and impartial in adjustment; and I do hope the attention of the country may be drawn to conditions, so that people, regardless of party affiliations and regardless of what may be their particular views as to the question of the policy of a protective tariff or the policy as to a revenue tariff, may recognize that there are abuses which should be corrected. The particular instances which I have endeavored to point out seem to me to furnish sufficient evidence of the existence of such abuses, and to furnish basis for the conclusion that similar abuses exist in many other instances under the present tariff law.

I recognize that so long as we limit ourselves to the advocacy of a tariff lower in scale of rate than the American people will approve, just so long will we fail to secure the cooperation and support which will enable us to correct these abuses and thus relieve the people of the extortions and burdens such as those of which I have spoken and under which they now suffer. Any tariff sufficiently high to raise the large revenue required to support the Government in its constantly increasing needs will, if judiciously and impartially laid and adjusted, furnish all the encouragement and protection, if you please, required by the industries of the country. It is the rate of the tariff which is the practical feature; and when this rate is sufficient for the demands of the country, it matters not whether it be called a protective tariff or a tariff for revenue. Its functions and effects at a given rate are the same, whether called by the one name or the other.

Many of the schedules of the present tariff law are too high, and are so recognized by many Republicans who are the most ardent advocates of protection as a tariff policy. Many of these schedules are not only "protection run mad," but are practically prohibitory of any importations under them, and in consequence prevent the Government from deriving any revenue through them. The steel schedule is an illustration. In the six years under the Dingley bill I have already shown that 12,686,434 tons of steel rails were consumed in the United States, and of this only 142,192 tons were imported. And while, if Mr. Schwab's figures are correct, the people of the United States have in six years paid to the steel producers of the United States more than \$150,500,000 above a reasonable profit on the rails bought from them, the Government has during the same time received less than \$1,200,000 of revenue from steel rails imported from other countries.

I have seen somewhere stated four classes of tariff advocates: First, those who favor tariff for revenue only without any protection; second, those who favor a revenue tariff with incidental protection; third, those who favor a tariff for protection with incidental revenue; and, fourth, those who favor a tariff for protection without any revenue. Many of the most burdensome and oppressive schedules in our present tariff law, those which take most money out of the pockets of the people, belong to the last class; for while at the expense of the people they thus enrich the protected classes, they pay no money in the way of revenues to the Government.

While I do not undertake to speak for protectionists, because I am myself not one, I think it is easily demonstrable that the doctrines of those who were the original founders of the protective policy are not those which are adhered to to-day by those who have the power to frame tariff laws.

The original ground upon which the protective tariff policy was founded was—or, rather, one of the grounds and one of the principal contentions was—that by reason of the protective policy the fostering of home industries would be such that a competition would arise among them which would reduce prices. That has been a favorite theory.

If I saw proper to consume the time in so doing, I could refer to unnumbered instances in which such contention has been made by leading Republicans. It so happens, Mr. President, that I have one recently made by a member of this Senate, the senior Senator from Ohio [Mr. FORAKER], which I will read, as expressing what I understand to be the fundamental principle of the

Republican party and of those who adhere to the protectionist policy as the vindication of that policy. In a speech made at Akron, in Ohio, in 1902, the senior Senator from Ohio used this language:

This does not mean that we are opposed to any kind of a change at any time in the tariff schedules and rates. On the contrary, we believe in tariff revision from time to time, as occasion may require, but it must always be on protection lines.

At the very foundation of the protective policy has always been the idea and claim that it would multiply industries, improve facilities, develop competition, and ultimately reduce the cost of manufacture below their cost abroad.

It has also always been a part of this policy to reduce high rates of duty deemed necessary to secure the establishment of an industry as rapidly as its development and the cheapening of its product might allow.

The Republican party will not for light reasons disturb a law that has brought us such prosperity, but it will not hesitate when there is just occasion for doing so to make such amendments as changed conditions may demand.

That I understand to be a correct statement and exposition of the theory upon which the protective policy is based; and, however it might work out as a policy or, rather, as a theory, it is proper to say that that theory was advanced and the protective policy advocated thereunder at a time when the combinations of great industries in this country had not made it possible for the protective law to be used as a means by which competition could be absolutely defeated, not only the competition which should come from abroad, but competition which should be found among domestic producers themselves. So that it is a matter of the utmost importance for those who adhere to this policy and who stand upon this fundamental proposition which I have read, and which was thus announced by the senior Senator from Ohio, to examine carefully the schedules and to see whether or not, in the first place, the protective aid has been extended beyond the point where it is required for the fostering of these industries and to see more particularly whether that protective aid has been extended to a point where it is used for the oppression and extortion of the people by the entire prohibition of foreign competition and through combinations which absolutely destroy competition between producers in America.

Mr. President, on yesterday I called the attention of the Senate to particular instances where these protective rates are being used for the oppression of the people. I called attention to the case of those who manufacture steel rails, and I showed by the figures, by the estimates made by Mr. Schwab, that within six years, under the present schedule, there has been extorted from the people of the United States \$150,000,000 over and above the amount which Mr. Schwab himself said would be a reasonable profit, and at which rate, he said, they could afford to sell their goods in foreign markets.

I have called attention to the particular instances of two railroads, one in my own State—the Macon, Dublin and Savannah—where a difference of \$9 a ton was exacted from those who desired to extend the road—\$9 a ton more than was offered to the same party, provided he would buy that railway iron to be used in the foreign country of Honduras.

I have called attention to the other case of the Mexican railroad, which was partly in Mexico and partly in Texas, and where, according to the statement of its president, the same manufacturer of steel rails at the same time asked of him \$8 more for the rails he laid upon the part of his railroad in the State of Texas than he asked for the rails to be laid upon the same railroad where it extended into the country of Mexico.

I called attention also to the case where, upon reliable statements, it was shown that a party desiring three typewriters found that he could have those typewriters bought in the United States by a party in England; and he did have those typewriters bought and shipped to England and shipped back to him, paying freight both ways, and made money by the transaction.

I called attention to-day to the statement of the Philadelphia Press that butchers' meat could be bought very much more cheaply on the other side of our northern border than at points immediately opposite in the United States. In Buffalo the prices are from 25 to 50 per cent higher for butchers' meat than immediately across the line, in Fort Erie, and this is the testimony of the Philadelphia Press. I called attention yesterday and enumerated, and I will not repeat them—

Mr. PLATT of Connecticut. What is the tariff on beef?

Mr. BACON. The tariff on beef is about 33 per cent. It is 2 cents a pound, which is about 33 per cent. If the Senator will allow me, that is on the wholesale price of the whole carcass. If the Senator will consult the price list, he will find that 2 cents a pound on beef is nearly, if not quite, 33 per cent of Chicago prices as quoted to-day. The price of the choice cuts at retail is of course several times as much as the price of the whole carcass at wholesale. Speaking in round numbers, it is about 33 per cent

on beef, by reason of which fact, as stated by the Philadelphia Press, porterhouse steak is 24 cents at Buffalo and 16 cents at Fort Erie, right across the dividing line.

Mr. PLATT of Connecticut. Twenty-four and 16?

Mr. BACON. Twenty-four and 16.

Mr. PLATT of Connecticut. Surely the Senator does not think that that is the result of the 2 cents a pound tariff?

Mr. BACON. I will answer that in a moment, as soon as I get these other figures. That seems to be the highest priced beef—porterhouse steak. Loin steak is 15 cents at Buffalo and 12 cents at Fort Erie.

Now, I was about to say to the Senator that it is not simply a tax of about 23 per cent on beef, but we have a provision which absolutely prohibits the importation of beef or butchers' meat except where there may be a special permission by the Secretary of Agriculture. So the restriction is not confined to the tariff rate.

Mr. FORAKER rose.

Mr. BACON. If the Senator will pardon me for a moment—but whether the tariff is a sufficient explanation of the fact that there is this vast difference between the price of beef at Buffalo and at Fort Erie, within fifteen minutes' transportation, to what else can the Senator ascribe it?

Now I will yield to the Senator from Ohio, provided he desires to ask a question. I desire to say, and I say it in all courtesy and I know he will understand me, as I do not desire to be on the floor all the afternoon if I can avoid it, that if the Senator wishes to combat my proposition, I would rather he would do it in his own time.

Mr. FORAKER. I do not wish to combat it, but I rose simply to make an inquiry, whether the beef sold at Fort Erie—is that the name of the Canadian place?

Mr. BACON. That is the name of the Canadian place as given in the Philadelphia Press.

Mr. FORAKER. Is the beef sold in Fort Erie exported from the United States? Is it the same butcher who sells it?

Mr. BACON. I can not tell you anything about that.

Mr. FORAKER. The Senator was speaking a minute ago about our products being sold cheaper abroad than at home. I only wanted to know whether this was another illustration of that?

Mr. BACON. I do not know whether that is true or not in this particular instance.

Mr. FORAKER. I do not know.

Mr. BACON. I do say that, to my mind, it is absolutely beyond credibility that the difference in the price should be due to anything else but this very meat schedule.

Mr. President, yesterday I went through the figures to try to show what was the immense amount of money that the people of the United States are paying over and above a fair legitimate profit to the manufacturers of steel rails in this country, and I showed by the actual figures, if Mr. Schwab's statement is correct, that it amounted to over \$150,000,000 on the figures as to the amount of rails of domestic manufacture which had been consumed in this country, and according to the excess in price over the price which Mr. Schwab himself said was a price at which they could profitably sell the rails in England.

But, now, if I were to attempt to calculate what has been the immense amount of money which has been thus contributed not only as to steel rails, but as to all other forms of steel, where would be the limit of the amount? If I were to go on and endeavor to show what has been the immense amount of money which has been taken from the consumers of this country, high and low, rich and poor, in butchers' meat, when, according to the testimony of this leading Republican newspaper, there is this vast difference between the price of meat in Buffalo and at Fort Erie, immediately across the line, what possible amount, unless I had the opportunity to come down to actual figures, could I conjecture which would be deemed reasonable?

Mr. President, what I am saying may be somewhat in the nature of repetition, but I am doing it for the purpose of making the application. The Senator from Ohio [Mr. FORAKER] in his speech at Akron—which, by the way, was a speech made on the same day as that made by his late lamented colleague when he advised the Republican party to "stand pat"—lays down the proposition as the recognized fundamental principle of the Republican party that it has always been a part of its policy to reduce high rates of duty deemed necessary to secure the establishment of an industry as rapidly as its development and the cheapening of its product might allow. If that is the correct principle of the Republican party, what answer has the Republican party to the inquiry whether or not under the present rates it does not devolve as a duty upon the Republican party at this time to reduce them?

Mr. FORAKER. Will the Senator allow me?

Mr. BACON. Certainly.

Mr. FORAKER. I think the Senator will find, if he will look at the record, that the Republican party has from time to time

reduced the rates of duties imposed on imports that came into competition with domestic products. He is talking about steel rails. My recollection is that the first tariff duty on the importation of steel rails into this country was \$28 a ton. After a time, after the industry was started here and the home competition had begun to have some effect, it was reduced to \$17 a ton, I believe, and then from time to time it was reduced until to-day it is what?

Mr. BACON. Seven dollars and eighty-four cents, about, I think.

Mr. FORAKER. Say seven or eight dollars a ton. That is what I had in mind, and the history of tariff duties on steel rails is but an illustration of what is the history of the duty on imported products of every kind coming into competition with our products.

Mr. BACON. I trust the Senator will recognize the fact that I am not given to objecting to interruptions—

Mr. FORAKER. I know that.

Mr. BACON. And that it is only by reason of our conditions that I would not like to do more than to respond to inquiries, and I will be more than delighted, if the Senator can find the time, if he will respond in his own time to the suggestions I am submitting.

But, replying to what the Senator has just said, the Senator says that the duty on steel rails at one time was \$28, and that gradually it has been reduced until it is now \$7.84. Does that answer the proposition as to whether it should be still further reduced if it is demonstrated that at the present rate the people of this country are being oppressed by exorbitant prices?

I showed here yesterday by the letter of a president of a railroad that he was required to pay, for an extension to his railroad, \$600 a mile more for the rails which he used upon that road than the price at which the same rails were offered to him if he would ship them to Honduras. Is that a case where the reply is to be made that while that is extortion, while it is an oppression, because of the fact that the duty was once higher and has been reduced in the past there should be a halt and no further reduction?

I will not stop to illustrate it by the matters which I have already gone over, but unless Senators can refute the propositions which I have endeavored to substantiate, that under the present tariff rates manufacturers are enabled to sell abroad at from 25 to 75 per cent less than they sell to our own consumers in the United States, is not the proposition presented whether or not the time has come when Congress should take hold of the question for the purpose of still further reducing the tariff rates?

Mr. FORAKER. Will the Senator allow me to ask him whether he has stated in the course of his remarks the aggregate amount that has been sold abroad at prices cheaper than similar articles of our own production have been sold at home?

Mr. BACON. I can not state the aggregate amount which has been so sold, but I have stated the particular concrete instances where these extortionate discriminations are made in favor of foreign customers and against purchasers in the United States, and before I get through, if time permits, I will allude to what the Senator from New Hampshire [Mr. GALLINGER] stated as to the amount of foreign sales which are made by our domestic manufacturers.

Mr. FORAKER. I believe he stated it in his remarks a few days ago at only about \$4,000,000 in the aggregate.

Mr. BACON. Four hundred million.

Mr. GALLINGER. Four hundred millions, and only four millions sold at a discount.

Mr. FORAKER. Four millions of it at a less price.

Mr. BACON. Only four million?

Mr. GALLINGER. Four millions sold at a discount below what similar goods were sold for in this country.

Mr. BACON. Now, where did the Senator get that information?

Mr. GALLINGER. I will say to the Senator that I got it from the report of the Industrial Commission. The Industrial Commission may have been wrong, of course.

Mr. BACON. That is exactly what we want to get at through this proposed investigation.

Mr. FORAKER. I have seen it repeatedly stated at less than 1 per cent of the aggregate exports.

Mr. BACON. That is what we want to get at by this amendment. We want to know definitely and authoritatively through the desired investigation what is the fact. But the fact, if it exists, that only a small proportion of American manufactured products are sold abroad at these low prices does not affect the argument. It is not the sale of American products to foreigners at low prices which hurts the American consumers, but it is the high prices which are exacted from the American consumers at home in the United States. It matters not practically to the American consumer whether the amount sold to foreigners at these low prices is great or small. The only purpose in showing

the amounts sold to foreigners is to show by such transactions that they are not exceptional, but in the regular course of established business. If they can afford to sell to foreigners at these prices, it is an extortion when they sell to our own people at prices from 25 to 75 or 100 per cent greater.

I have stated these concrete instances where the particular oppressions are had. We are limited in our opportunities for ascertaining these matters, and we want to get information in a different way.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. BACON. Yes, sir.

Mr. ALDRICH. Does the Senator from Georgia think the Department of Commerce and Labor has a right to make people tell the prices at which they sell goods abroad unless they see fit to do it?

Mr. BACON. That would be a matter for the consideration of the Senate as to whether it would excuse the Secretary of Commerce and Labor if he failed to get the information which we required of him. But there is no reason why he should not attempt it. He doubtless can secure the information if he desires to.

Mr. ALDRICH. Do you think he can require answers to questions at what prices they sell abroad?

Mr. BACON. Possibly not, although I am not sure but that he has the right under the law to bring parties before him. We have provided, and that was one of the main objects for the establishment of the Department of Commerce and Labor, that he might be in a position to gather information which would be of service to the legislative branch and to the executive branch and also to the judicial branch in the adjudication of these matters which are necessarily involved.

Mr. ALDRICH. I asked the question for the purpose of finding out what the Senator's view was as to the power of an executive officer of the Government to require answers to a question pertaining to the private business of an individual.

Mr. BACON. I do not think, in the absence of any direct law, he would have the right, of course, to require testimony. I have not the act before me. The Senator will remember that the purpose of the act was to enable the Secretary of Commerce and Labor to gather information. As I say, I have not the act before me, and I do not know to what extent he is empowered; but that undoubtedly was one of the principal objects of the creation of that Department, and it will be sufficient for us to meet that question when it is presented to us as a reason, if the Secretary shall fail to accomplish what we desire him to do. But it seems that that inquiry was not suggested to the mind of the Senator when the Senator from Iowa [Mr. DOLLIVER] offered his resolution. There was no objection to it, and there was no suggestion that the Secretary might not have the power to gather the information.

Mr. ALDRICH. I do not wish to interrupt the Senator on that line except to say that I supposed that the resolution of the Senator from Iowa, as well as the resolution of the Senator from Georgia, were introduced primarily with the view of enabling the authors of them to make speeches upon them.

Mr. BACON. The Senator is entirely mistaken.

Mr. ALDRICH. I probably am.

Mr. BACON. And I hope that he will join with me in the effort to show that that is not my object. I desire that this information shall be had, and if the present suggestion of the Senator were correct, if that had been my purpose, I certainly would have then endeavored to have made a speech on it when I first introduced the resolution. I introduced the resolution hoping that we might get the information and that we might discuss it afterwards.

Mr. President, this matter is one which very largely and deeply concerns the American people. It is not a mere matter of politics. It is a matter which concerns the great masses of the people. It is a matter which is agitating the minds of many of the political party to which the honorable Senator from Rhode Island belongs and of which he is an honor, and I propose to read some things to show what is the position of many of his own party in this matter.

If Senators are prepared to say that they do not desire any change in the tariff; if they are prepared to say that they defend all the schedules of the present tariff; if they are prepared to go before the country and say they think no change should be made in the tariff, and that for that reason they have refused to make any changes during the last Congress and this session of the present Congress, then we will understand each other and the country will understand each of us. But what I desire is to bring the attention of the Senate squarely to the question whether or not they propose to stand by the present schedules or whether they propose to hold out the suggestion to the public that possibly they may not stand by them and they will change them in the future. I say that if the fact is ascertained; if it is properly

brought to the attention of Congress that the schedules are wrong, that they are oppressive; that under them extortionate prices are exacted of the people, now is the time to legislate and not hereafter, and on that I propose to say something a little later, when I come more directly to it.

It is in that connection that I return to the extract I have read from the speech of the Senator from Ohio [Mr. FORAKER]. I do not know that the Senator was here on yesterday, but I have endeavored to discuss this question from the standpoint of his utterance. I have said to the Senate that while there ought to be immediate correction of some of its abuses I was satisfied there could not be within the near future a change in the tariff which should provide any very great reduction in the general schedules of the tariff, because in the first place of the necessities of the Government, which require a very large revenue, and because the general business of the country had been very largely adjusted to high rates of tariff.

All of our standards of wages and prices of all kinds have been thus adjusted, and therefore no violent change could be safely made. But from that standpoint I was endeavoring to show to the Senate that there were schedules that were an abuse of this particular enunciation of the principles of the Republican party and of the protective policy as it had been always professed and advocated by those who were the great founders of the Republican policy.

On the same line of harmony with the tenets of the great founders of the protective policy I read an extract from a speech recently made by Representative LITTLEFIELD in his State of Maine, and which has been published in part in the newspapers. The extract is as follows:

If upon investigation it turns out to be true that any product upon which there is a tariff is sold abroad cheaper than it is sold at home as the result of the operation on the tariff, the tariff upon such articles should be reduced to the extent that it is necessary to prevent that result, assuming, of course, that the relation of cause and effect can be established in connection with the situation.

In connection with this extract I quote the following from Representative BABCOCK, chairman of the Republican Congressional committee. In 1901 Mr. BABCOCK said, as reported in the public press:

I maintain that it is part of the policy of protection to protect the consumer. * * *

We can to-day produce and undersell the world. Shall we continue a tariff on articles that are in fact articles of export? If Congress maintains a tariff on such articles, the whole theory of protection falls to the ground, and it simply inures to the benefit of those who may secure the control of any such commodity, since by its aid they can fix exorbitant prices in the domestic market. How can such a policy be defended?

And again, February 4, 1903, Mr. BABCOCK said:

From now on I am going to push the tariff plan at every possible opportunity. I am going to take advantage of every possible opening. The bill is going to be pressed every time the smallest chance offers, and I am not going to let anything go by.

If the bill ever gets before the House, it will pass by three to one, and it will get before the House.

And that brings me directly again to the question whether or not the failure—and that is the crucial question—of the Republican party at this time, when it has the power to legislate and does not legislate, is to be taken as a statement to the American people that they do not think any legislation is required as to the present tariff schedules.

The Senator from Ohio [Mr. FORAKER] says that he is in favor of revision, and that his party is in favor of a revision whenever circumstances require it. Does the Senator mean to say—and that is the point on which I desire that there shall be an enunciation to the American public—does the Republican party mean to say that, recognizing the fact that under proper circumstances there should be revision, there is now no such demand or requirement for revision? That is what we desire to have as a clean-cut issue. We do not desire that the Republican party shall say that there are schedules which should be revised and adjourn this session without attempting to do so, unless they can give a specific reason for their refusal now to do so.

Mr. ALDRICH. Does the Senator mean to inquire whether we think we ought to revise the tariff between now and Thursday at 12 o'clock, or at some other time?

Mr. BACON. Mr. President, you are not obliged to adjourn on Thursday. If the people of the United States are resting under burdens from which they should be relieved, there is no reason why Congress should postpone that needed relief until next December.

Mr. ALDRICH. Does the Senator think the Senate ought to originate a tariff measure?

Mr. BACON. I presume the Senator credits me with a knowledge of the law which requires such legislation to originate in the House of Representatives.

Mr. ALDRICH. But my purpose in asking the question was to suggest to the Senator that the questions he is asking are rather impracticable in their nature.

Mr. BACON. They are not impracticable. I am speaking not simply of the Senate, I am speaking of the Republican party; I am speaking of Congress; I am addressing the Senate, and I am addressing the Senate composed of men who are in close touch with the leaders in the other House and who, if they thought there should be a revision, would very easily be in a position to have the measure originated where the Constitution requires it to be originated.

Mr. ALDRICH. I have no desire to evade the question of the Senator from Georgia. I think it is perfectly well understood in the country that the party in power have had no desire or expectation of revising the tariff at the present session of Congress or attempting to do it, and that whatever may be the requirement of the future as to tariff revision there is a disposition and an announcement and an understanding that there is to be no agitation of the tariff question at this session.

Mr. BACON. I understand that. That is exactly what I am talking about. The Republicans have not done it, and they are preparing to adjourn without doing it. The question I am trying to direct attention to is as to whether or not there is a duty and obligation upon them to legislate on the abuses of the tariff, which duty they have failed and refused to perform.

Mr. ALDRICH. I do not think there is.

Mr. BACON. Very well. Then I understand the Senator from Rhode Island to say that he thinks the tariff schedules are right as they stand?

Mr. ALDRICH. Not by any means. That inference does not follow what I suggested.

Mr. BACON. Does the Senator mean to say he does not think the tariff schedules are all right?

Mr. ALDRICH. That does not follow.

Mr. BACON. But I want to know what the Senator says. Are these schedules under which these abuses exist right or wrong?

Mr. ALDRICH. I will say that the present tariff has been in existence for seven years, and it is utterly impossible for any tariff schedules to be constructed that will be properly adjusted at one time and that may not be in their nature either too high or too low seven years from that time.

Mr. BACON. Exactly.

Mr. ALDRICH. There are rates undoubtedly under the present tariff law which, if we were to take up the tariff for revision and reconstruction, would be changed, unquestionably.

Mr. BACON. Lowered?

Mr. ALDRICH. Some lowered and some raised, possibly.

Mr. BACON. In other words, the Senator thinks that the public interests of the country require a change in the present tariff schedules.

Mr. ALDRICH. That does not follow.

Mr. FORAKER. Will the Senator please read in this connection the other clauses of my speech. As I recollect it—

Mr. BACON. I will read it.

Mr. FORAKER. That is the answer.

Mr. BACON. I do not think it answers it. The point I make is this: If the present schedule of the protective tariff contains particular rates under which oppressive and extortionate prices are exacted and collected from the people, then there is no excuse in the world why the people should be required to remain under those oppressive and extortionate rates one minute longer than the Republican party in power in all branches of the Government may have the opportunity and the power to change them and put them in a shape where they will not be thus oppressive and extortionate.

It is for that reason I endeavored to secure from the Senator from Rhode Island, who, as I said yesterday, is the mouthpiece of the Republican party, at least on the subject of tariff, in the Senate—everybody so recognizes him—a statement as to whether or not he, as the representative of that party, would say that the present tariff rates were right, and whether or not there were or were not any which ought to be changed in the interest of the people. If there are, I should like to know why there should be any delay on the part of the Republican party in proceeding to the performance of that public duty, unless it is the determination and purpose of the Republican party to stand pat on these extortionate schedules, and unless it is their purpose not to correct and change them at any time.

The Senator said it was well understood that there was to be no general legislation at this session. Of course it has been so understood, and that is the very subject of my present criticism. Before we assembled here in November the country was notified that the Senator from Rhode Island and four or five other Senators had proceeded to the summer home of the President and there had had a conference, and they came out and gave out to the press—at least the press published it as having been given out—that there was to be no tariff revision. Half a dozen Senators went there, and, with the Executive, determined the fact for Congress, and Congress has tamely submitted to their decision and has scrupulously carried out the programme thus marked out and

prescribed for them. I have no doubt this system is to continue to grow and that more and more the Executive and a few leaders of his party will prescribe legislation which shall or shall not be enacted or undertaken.

If it be true that the public interest demanded general legislation, is it any excuse to say that none has been had because the Senator and four or five of his colleagues conferred with the President and determined that it should not be had? It was considerate in them to notify Congress of this decision before the beginning of the session.

What is the reason why we should not have legislation at this session of Congress? Is there any lack of time? Here we are, not yet May, and under the law we can sit until the first Monday in December. We are paid by the year. There is no additional expense to the Government in our remaining here. Certainly it is not for lack of time.

I have seen it suggested that there should be no legislation at this session of Congress because it is immediately preceding the Presidential election, and I have seen it further stated as the utterance of some Senators that it is better that there should be no legislation until after the people have instructed their representatives as to what they want. How are the people to instruct their representatives?

If there is no legislation during this session of Congress and the Republicans should prevail in November, they will take it as an approval of their failure to legislate, and therefore in the next session of Congress it will be said: "Why, the people have passed upon this thing. We did not legislate at the last session, and the people have reelected us, and therefore that is an approval of our not doing anything. It is a vindication of the 'stand-pat' policy. It is a verdict on the part of the people that the tariff schedules do not require any change, and therefore we will not proceed to make any change."

Mr. President, I have here an extract from the New York Commercial, published in November, 1902, after the election, in which it takes that very position. This was copied into the Washington Post of November 19, 1902, from the New York Commercial, in which it says:

If the elections throughout the country on November 4 demonstrated any one thing clearly and emphatically, it was that the campaign cry for tariff revision and most of the talk in that direction that has intruded itself on public attention for a year past were prompted chiefly by free-trade influences, etc.

In other words, the very fact that Congress did not legislate in the Fifty-seventh Congress and that the Republicans were re-elected in November, 1902, was taken as a vindication of the failure of Congress to legislate in the first session of the Fifty-seventh Congress, and so it will be in this case if the Republicans carry the November elections. If there is now no legislation, so far from the action of the people, in case the Republican party should prevail in the next election, being taken as an instruction to them to proceed to legislate upon the tariff, it will be taken as a vindication of the stand-pat policy and of their refusal to legislate.

Mr. President, it is said that legislation at this time is calculated to disturb business. Which will disturb business most, for this Congress to legislate, for this Congress to make the changes, if any, which are needed in the tariff schedules, and let the people when they go to the polls know what has already been done, or to have an election with an uncertainty as to what will be done?

Mr. ALDRICH. I was not present, unfortunately, at the latter part of the Senators' speech yesterday, and I should like to have him state to me, if he can briefly, what things he thinks ought to be changed. What rates ought to be changed? He was talking about steel rails when I left the Chamber yesterday, and I wondered whether there was any other article he thought ought to be changed.

Mr. BACON. I am sorry the Senator has not been here this afternoon, because I do not desire to repeat what I have said.

Mr. ALDRICH. No; I do not ask the Senator to do that.

Mr. BACON. The Senator is chairman of the Finance Committee. He is informed as to the operation of the tariff schedules. He has made investigation of it and has opportunities for investigation which are so largely denied to many of us. No one is better informed than he on this subject.

Mr. ALDRICH. I can not understand that I have sources of information that are not open to the Senator from Georgia that I know of.

Mr. BACON. I will tell to the Senator, if he wishes me, some of the schedules which should be changed. I do not agree with the proposition that the tariff ought to be entirely repealed on all trust-made articles, nor is that the position of the Democratic party. There ought, however, to be changes in the schedules where they permit producers to sell to American consumers at a much higher rate than they sell to foreigners. I think the steel schedule should for one be changed. When, in the instances I have mentioned, the steel companies say that they will not sell to an American citizen steel rails within \$8 of what they sell to a man who wants

to build a railroad in Honduras, and when they are eager to sell to a man in Honduras, showing that they thereby make profit on it, I say that the exaction of \$8 a ton more of the American consumer is not to be justified, and that it is the business of Congress to carefully investigate and see where the line is to be drawn. If the steel companies can sell profitably to the foreigner at \$8 less than \$28, he can afford to sell at the same price to the American consumer. Again, when the same steel producer sells to the Mexican National Railroad iron to go into Mexico at \$20 a ton and asks \$28 of the same corporation for steel to be laid on the part of the railroad that is in Texas, there is in such a transaction sufficient to challenge the attention of Congress and to demonstrate the fact that legislation is needed there to correct such power of extortion. Whether Mr. Schwab's figures are correct or not, I take the figures furnished by these two railroads, about which there can be no doubt. And, according to Mr. Schwab, what is true of the steel rail is also true of all the other steel industries.

In other words, that there is the same exorbitant excess over a reasonable profit exacted and collected from the American people, not only on steel rails, but upon the entire list of steel products. If so, all the steel schedules require revision, because they affect everybody in this country, for the reason that iron and steel have now become of universal use, and that no man escapes the tribute which these people, by reason of the excessive tariff schedules, are allowed and permitted to exact of them. It may be true, and, I hope, is true, that there are some steel producers who do not exact exorbitant prices for their goods sold in America, but the tariff schedules give them the power and opportunity to do so.

I went through the list yesterday, and I showed that almost every article of common manufacture, farming machinery, household utensils, sewing machines, typewriters, almost all the articles of common consumption, and all the articles used in common industries are under the present schedule sold, so far as we may have the information—not definite and conclusive, I grant you, but sufficient, certainly, to put Congress upon the duty of making further investigation and of proceeding to legislate—sold at prices from 20 to 75 per cent greater to the American people than the same articles are sold by the same person to people in foreign countries.

Mr. ALDRICH. Does the Senator think taking the duties off agricultural implements would in any respect affect the question which he has referred to?

Mr. BACON. Well, Mr. President, I am not sufficiently familiar with the foreign manufacturers to say with certainty, but I think there can be no question about the fact that the imposition of these duties is based upon the assumption that if by reason of those duties the domestic manufacturers were not permitted to have the home market they would be invaded by the foreign manufacturers, and if invaded by the foreign manufacturers it would be at prices much less than the prices which are now exacted, and on account of which the foreign manufacturer is entirely kept out of the market. The present rates could, however, be very materially reduced, and the American manufacturer would still control the American market.

Mr. ALDRICH. But suppose he was not only kept out of the foreign market, but out of the American market by the removal of the duty, does the Senator think—

Mr. BACON. That who would be kept out of the American market?

Mr. ALDRICH. The domestic producer, the manufacturer here. Do you think that would be a wise thing to do?

Mr. BACON. I do not; and I am not proposing that there should be any such extreme action. I am not advocating a repeal of the duties, but only their modification. I am simply limiting myself (which I think is a very conservative position for one to take who holds the economic views that I do) to the question as to whether, even under a protective tariff, there are schedules which are abusive of the protective principle, and which permit exorbitant and extortionate prices to be exacted from the people and collected from them in the sale of these goods.

Mr. President, I am told by Senators sitting around me that these farming implement manufacturers absolutely get out catalogues in which they show different prices for domestic consumers from those which they require from foreign consumers, and, as is stated to me by the Senator from Texas [Mr. BAILEY], it can be charged with the utmost confidence that as to all farm implements, speaking generally, they are sold in foreign countries at much less than they are sold in this country, and that they are not sold as a mere matter of surplus, not sold for the purpose simply of introducing into another country, but they are sold because it is a profitable transaction to them; and as I endeavored to show, and did show by the letter, which I again read to-day, from Mr. Raoul, the president of the Mexican National Railroad, the trade for the Mexican part of his railroad at Mexican prices was so valuable to them and so valuable to others in that line of trade and there was such a competition to get his Mexican busi-

ness that he could absolutely exact of them and did exact of them that they should sell to him on his Texas railroad at the same rate that they sold for the Mexican business.

Mr. DIETRICH. Mr. President—
The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. BACON. With pleasure.
Mr. DIETRICH. If it is true that the manufacturers sell machinery in Europe at less than they do in the United States, provided they do not sell at less than cost in foreign countries, but sell at a profit in the United States, does not American labor receive a great benefit?

Mr. BACON. Well, Mr. President, in the first place—
Mr. BAILEY. Will the Senator from Georgia permit me, since it is a cross fire, to ask the Senator from Nebraska if the American laborer who manufactures the foreign-sold article does not get precisely the same wages that he does when he manufactures the American-sold article for which our people are charged the higher price—manufactured in the same factory by the same laborers who receive precisely the same wages?

Mr. DIETRICH. I should like to have the Senator from Georgia answer my question. I ask him if the United States is not benefited from the fact that the machinery is manufactured here even though it be sold at cost abroad and sold at a profit in the United States?

Mr. BACON. In the first place, I do not admit and I do not credit that it is sold at cost in foreign countries. I have produced evidence here to the effect that it is not sold at cost in foreign countries, but sold at a profit. I do not know whether the Senator was in the Chamber yesterday or not, but I can not go all over that ground again. I gave figures. What I have just said about the Mexican National Railroad shows that it was a profit. I want to say to the Senator that the goods sold to the Mexican National Railroad for consumption in Mexico were not simply steel rails. They comprised all the articles which are bought by railroad companies in the prosecution of their business, everything relating to the construction and repair and to the equipment of a railroad, everything relating to the management of a railroad, to its operation, and to its offices—iron safes, furniture, all the paraphernalia, books, and everything else connected with the management and operation of a railroad.

Mr. DIETRICH rose.
Mr. BACON. The Senator will please wait a little while. I will let him in just as long as he wants, but I must finish what I am saying. This has been going on with this railway company for fifteen years. I stated the fact yesterday to the Senate that the way I happened to know about this was that I had been intimately associated with the president of that railroad, had been with him twice to Mexico over his own road, and had had conversations with him about this matter, and therefore when it came up, recollecting that, I wrote to him.

I will state to the Senator that the information which I had from him in this intercourse was as stated here in this letter, that as to all the articles, amounting to hundreds of thousands of dollars a year, there were uniform prices of a difference of 25, or 30, or 40, or 50 per cent as to the same article to be used in Mexico on the same article to be used in Texas, a part of the railroad lying in Mexico and a part of it in Texas; and that the business of that railroad with the American manufacturers as to the products bought for Mexico at these reduced rates was so profitable, not sold at cost, but so profitable, and there was such competition among American producers to get the Mexican trade at the reduced rates, not at cost, but at profitable rates, that they absolutely, in order to get the trade in the competition between them and others, yielded the point and sold him for his Texas part of the railroad at the same reduced rates that were given on the Mexican part of the road. That does not look like selling at cost.

But, Mr. President, if the Senator were to go further and say it was sold at a loss instead of cost, it would still be an iniquitous oppression upon the American people. And why? Does anybody suppose that one of these manufacturers is engaged in business for pleasure, that they are indifferent to profit? Even if for the purpose of carrying on their business they are selling part of their goods in a foreign market at less than cost and thereby losing on it, does anybody doubt for a moment that the loss is made up out of the American consumer? Who would be so credulous as for a moment to think that every dollar that is lost by the selling of goods either at cost or below cost in a foreign market is not recouped by that much more charged and collected out of the domestic consumer?

Mr. ALDRICH. As I said, I was not here during the whole of the Senator's argument, and I would be glad to have him state whether he has advanced any other reason for tariff revision except the fact that certain manufacturers sell their goods at cost?

Mr. BACON. The Senator was not here at the time I read from the Washington Post's narration of what had been published

by the Philadelphia Press, one of the leading Republican newspapers in the United States, the editor of which we all know, in which the Philadelphia Press called attention to the fact that by reason of the butchers' meat schedule meat was sold at a very much higher rate in Buffalo than it was immediately across the line in Fort Erie, and in order that the Senator may have the answer—

Mr. ALDRICH. That is on the same line I was asking, whether there is any other—

Mr. BACON. It is not on the same line—

Mr. ALDRICH. Of course it is.

Mr. BACON. Because I do not say it is sold by American butchers. I say it is not on the same line for that reason. I was calling attention to that as an additional reason why these schedules ought to be revised.

Mr. ALDRICH. The Senator means that the Canadian farmers get a less price for their beef than the American farmers?

Mr. BACON. I do not know whether they do or not, and for that reason I do not say that it is sold there by the American beef trust, but I do say that, by reason of the American tariff—if the Philadelphia Press is correct in its statement as to prices—the butcher's meat that people have to eat, and without which they can not live in health and comfort in this country, is sold from 25 to 50 per cent higher in Buffalo than for the same article across the river, twenty minutes away. And the same thing is doubtless true all along the Canadian border.

Mr. GALLINGER. Will the Senator from Georgia permit me to ask him a question?

Mr. BACON. Yes.

Mr. GALLINGER. The tariff on beef in the United States is 2 cents a pound and in Canada 3 cents a pound. If this tariff of 2 cents is doing such infinite mischief here, what is the tariff in Canada doing?

Mr. BACON. I do not know anything about that; but I do know that it stands to reason, and any schoolboy can figure it out, that if we did not stand in Buffalo and say that we should pay 2 cents a pound on every pound of meat that came there, there certainly would be people enterprising enough, if they could make from 25 to 50 per cent on it, to bring it across and sell it.

Mr. GALLINGER. Yes; but what would become of the American industry?

Mr. BACON. The trouble about that, Mr. President, is—and I can not go into it at length, because there is a great deal of ground I want to cover, and we have got to get through before 6 o'clock—the trouble about that is that this tariff does not protect the man who raises the beef.

Mr. GALLINGER. It gives employment to American labor.

Mr. BACON. The man who raises beef does not get the benefit of it, but the beef trust gets the entire benefit, and the prices in Chicago prove that that is so.

A Senator who once sat here, and who is familiar with that business and himself a raiser of beef cattle—I refer to ex-Senator Harris, of Kansas—could, if now present, tell of the process by which the beef trust gets from the producer of the beef his meat at a very low rate and sells it to the consumer at a very high rate.

The consequence of it is that it is true, and every man within his own knowledge must testify to its truth, if not in his own experience, certainly in his observation, that the great mass of people who formerly ate butchers' meat every day in the year, and the best meat, too, now are able to eat it only occasionally, and then many of them are compelled to eat the cheaper classes of meat. Go out to-day in the city of Washington or anywhere else, and ask men of the mechanic and laboring classes whether or not I have stated the truth in that particular.

Mr. ALDRICH. If the Senator from Georgia will pardon me, I wish to ask him whether he is in favor of taking off the duty on live animals and dressed meats?

Mr. BACON. It ought certainly to be reduced.

Mr. ALDRICH. The Senator was discussing the concrete question, and that is a part of a concrete question.

Mr. BACON. In reply I say that under the present meat schedule there is great oppression of the people. I say that exorbitant prices are being exacted from them, and that as a consequence the great mass of the people now do not eat meat as they did formerly, and there ought to be a change of that schedule. It ought not to be allowed to remain as it is. It is the duty of the Senator, as chairman of the Finance Committee, and of his colleagues in the other House belonging to the dominant party, who have absolute control of this matter, to look into it and see what changes should be made.

Mr. STEWART. Will the Senator allow me?

Mr. ALDRICH. The Senator from Georgia has not yet answered my question.

Mr. BACON. I have answered the Senator's question. The Senator asked me whether or not I was in favor of taking off all the duty now laid on butchers' meat, and I said to him that I was

not prepared to answer that question; that while there should be a reduction I did not know to what extent the reduction should go, not having looked into the details, but that the Senator and his party, in charge of legislation in Congress, should look into it and determine it, unless they are prepared to say it is all right as it stands. I will ask the Senator from Rhode Island, is it right as it stands?

Mr. ALDRICH. The presumption is that it is right.

Mr. BACON. Very well; but do I understand the Senator to say that it is right?

Mr. ALDRICH. I think the duties on live animals and dressed meats are all right.

Mr. BACON. I am very glad to get the Senator to that point.

Mr. DOLLIVER. I desire to say to the Senator from Georgia that the present duties are entirely satisfactory to the cattle raisers and farmers of the West.

Mr. BACON. Well, I have not had that information. But how is it as to the consumer? How is it with the men who eat meat, or who would eat it, if they could afford to pay the present prices for it?

Mr. STEWART. Will the Senator allow me one word?

Mr. BACON. I will yield to the Senator for a question.

Mr. STEWART. For a question?

Mr. BACON. Yes.

Mr. STEWART. The Senator says that the high price of meat and the low price of cattle is due to the tariff. May it not be due to another cause, that of the cattle being nearly all killed in one place and carried over the country and placed in cold storage, which enables a few men killing all the beef to not only furnish the meat to the country, but to furnish a very bad class of meat? The tariff has nothing to do with this ptomaine meat which is poisoning people all over the country.

Mr. BACON. Well, Mr. President, the Senator will not, of course, expect me to go into that line now, I hope.

There is no limit to the range that this discussion could take, but I want to present some few things to the Senate before the time comes when I must conclude.

The conclusion to which this discussion brings me is that the Republican party does not recognize that any changes are required. Their refusal to attempt any changes shows that. If no changes are required, let me ask the Republican party when it goes into convention in June not to use ambiguous language, but, as they have now recognized that there are no such conditions as require changes, announce squarely a "stand-pat" policy, that they do not think there ought to be any change, and let the issue be squarely made before the country.

I will say, Mr. President, that interest in this matter has not been confined to one political party, but that it has been a general feeling throughout the country—not universal by any means, but still general—that there were oppressive schedules, under which certain combinations in this country were enabled to shelter themselves and thereby to oppress the people. That has been the Democratic idea for a long time, but still the Democrats have been in a minority and could not make themselves felt. But at last it seemed as if light was about to break when we had heard from the West the manifestation of the general unrest there was upon this subject.

The Republican party of the State of Iowa inaugurated a movement which at one time promised to work a reform inside of the Republican party. I am sorry to say that it has very largely disappeared and has been abandoned. But I want to read what the Republicans of Iowa said on this subject.

Mr. KEAN. When?

Mr. BACON. I think it was in 1902 or 1901, I have forgotten which. My distinguished friend from Iowa [Mr. DOLLIVER] may tell us the exact date. It was when the celebrated Iowa platform was adopted, and I am not sure whether it was in 1901 or 1902. The Senator on my right can tell us when this important utterance was made that I am about to read.

Mr. DOLLIVER. There were two conventions.

Mr. BACON. I will say that I am reading this from a speech of Governor Cummins, in which he recites it. I have not the original platform before me, but I have the quotation from it made by Governor Cummins. He says in the course of his speech:

Permit me to quote two succeeding sentences upon the same subject.

And here he quotes:

We favor such changes in the tariff from time to time as become advisable through the progress of our industries and their changing relation to the commerce of the world. We indorse the policy of reciprocity as the natural complement of protection, and urge its development as necessary to the realization of our highest commercial possibilities.

There are two distinct propositions—first, as to changes; second, as to reciprocity—both of which, in the language of my distinguished friend from Iowa [Mr. DOLLIVER], have been absolutely abandoned by this Republican Congress.

Again:

We favor such amendments to the interstate-commerce act as will more fully carry out its prohibition of discrimination in rate making and any modification of the tariff schedules that may be required to prevent their affording shelter to monopoly.

Mr. LODGE. May I ask the Senator if the tariff schedules mentioned in the paragraph he has just read refer to railroad schedules or to Government schedules?

Mr. BACON. What is the question?

Mr. LODGE. The Senator referred to something in regard to interstate commerce, and I thought the article might have reference to railroad-tariff schedules. I may be wrong.

Mr. BACON. It says "tariff schedules."

Mr. LODGE. Does it not mean railroad-tariff schedules? The word is used in connection with railroads, as the Senator knows.

Mr. BACON. No; I should think not. That is not what it means.

Mr. LODGE. It is a curious connection in which to put it.

Mr. BACON. That is true, but still it is so.

Mr. LODGE. Government tariffs are not the only tariffs.

Mr. BACON. Railroads are not shelters for monopoly tariff rates.

Mr. LODGE. Where does the Senator live? They have been great shelters for monopolies for years.

Mr. BACON. Certainly; that may be true as to the rates furnished to certain customers, such as the Standard Oil Company, for instance. But the Senator and I have reference to different things. He has reference to the customers of railroads, while I have reference to the railroad companies themselves.

Mr. LODGE. They have generally been supposed to be the foundation for monopoly.

Mr. BACON. But when Governor Cummins uses the word "tariffs" he evidently refers to customs duties. What he says immediately thereafter conclusively proves that.

Mr. DOLLIVER. If my friend will permit me, I will say that a very long and somewhat acrimonious debate ensued in Iowa as to what was the meaning of those words, the Republicans, practically without dissent, disowning the proposition that the tariff was a shelter or protection for trusts, or in any sense the author of trusts; and owing to that ambiguity and discussion the party last year, by unanimous vote, abandoned the language.

Mr. BACON. Governor Cummins goes on, then, to defend the Republican party of Iowa from what he said was an unjust charge against them as to the construction of that language, and he uses this language:

It is the last phrase which, as I understand it, has excited comment throughout the length and breadth of the country. This phrase seems to me not only so plain and clear that it is incapable of being misunderstood, but also the statement of a self-evident truth in governmental policy. It has been accepted in some quarters as an assertion by the Republicans of Iowa that they favored the removal of tariff duties from all articles manufactured and sold by these-called trusts. It requires a combination of gross ignorance and intense prejudice to give it such construction. The Republicans of Iowa understand the difference between all the products of combinations or trusts and the products in which there have been established monopolies, and their declaration is that tariff duties shall not be used to shelter a monopoly.

Certainly that did not refer to railroad tariffs in the opinion of Governor Cummins.

Mr. DOLLIVER. Mr. President, if it will not interrupt the Senator—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. BACON. Yes, sir.

Mr. DOLLIVER. I will say that the State of Iowa got a good deal of celebrity out of the language in that platform, but in reality it had been a very common expression in Republican platforms throughout the country and, in the form in which the Republicans of Iowa, as a rule, interpreted it, was copied substantially from the Republican national platform of 1896.

Mr. BACON. Right in that connection Governor Cummins says this:

I have heard it said that in this respect our platform occupies Democratic ground. If this were so, and it is righteous ground, I would not therefore abandon it. From the bottom of my heart I wish that the two parties did occupy common territory upon this great field, for the problems that are to be solved should not be vexed with partisan dispute. Unfortunately, however, it is not true that we have met upon friendly ground.

Now it is, Mr. President, that the Democrats are those who desire that there shall be action upon this ground, and the Republicans have turned their backs upon it and repudiated it.

The first intimation that we had that the Iowa Republicans were not going to stand upon that platform was in a speech made at Marshalltown, Iowa, by the senior Senator from Iowa [Mr. ALLISON], than whom there is no man held in higher, if so high, esteem in this Senate. My distinguished friend from Iowa [Mr. DOLLIVER] is doubtless entirely familiar with that speech; but I will read an extract from it as showing the first intimation we

had that the Iowa idea was about to be abandoned. In the course of that speech the distinguished senior Senator from Iowa said this:

The tariff plank in our State platform is not a declaration in favor of tariff revision, nor is it a declaration against tariff revision.

Our political enemies demand a defense of the details of present tariff laws, and they charge us with standing pledged to the maintenance of existing rates. This is not the Republican position, and so to officially answer the charge it is eminently proper to make the declaration contained in the Iowa platform.

If the State convention of Iowa should declare specifically for tariff revision, or for any specific remedy for trusts, I doubt not the Iowa delegation would be very prompt to heed, and certainly the Iowa members of the Cabinet will bring the subject to the careful attention of the President.

After that very definite and unambiguous expression of opinion on the part of the senior Senator from Iowa concerning the purposes of the Iowa Republicans, we were naturally all filled with apprehension that the reform which we thought the Iowa Republicans were about to introduce in their party, and which we hoped would be spread and be adopted by other Republicans all over the United States, was about to be abandoned; and, sure enough, when the convention met there was a very remarkable utterance upon the subject of the tariff. When it came to the question as to what enunciation should be made as to the tariff in the Iowa platform, we have this very definite one:

Duties that are too low should be increased, and duties that are too high should be reduced.

Mr. DOLLIVER. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Georgia yield to the Senator from Iowa?

Mr. BACON. Certainly.

Mr. DOLLIVER. Does the Senator from Georgia dispute either of those propositions?

Mr. BACON. I do not. I think that is a self-evident truth that nobody could possibly dispute and one of the most catholic utterances which I have ever heard, upon which everybody can stand. If a man was dissatisfied with the schedules, he would say, of course, "They ought to be reduced and will be reduced; therefore I will stand by the Republican party;" and if he were satisfied with the schedules, he would say, of course, "They are not too high, and they will not be reduced, and therefore I will stand by the Republican party." That made everything lovely in the Republican party in Iowa.

A popular writer, Mr. President, has compared that plank in the Iowa platform to one of the utterances of famous Jack Bunsby, the oracular seafaring man of Dombey and Son. After the *Son and Heir*—the name of the ship that carried Walter to far-away seas—had sailed, and a long time had passed and no news could be gathered of it and it was feared the ship was lost, our dear old friend Captain Cuttle went with Florence to consult Jack Bunsby as to whether he thought the *Son and Heir* had gone down and Walter had been lost. The oracular response of Jack Bunsby was this: "If so be he is dead, my opinion is that he will not come back any more; if so be he is alive, my opinion is he will. Do I say he will? No."

Mr. President, I have here a cartoon, made by the young genius Berryman, which, if I were to follow the example of our distinguished friend from Wyoming [Mr. WARREN] in endeavoring to convert the CONGRESSIONAL RECORD into a pictorial daily, I might ask the privilege of introducing but for the fact that the likenesses in it are too correct and it would be entirely too personal to do so. But I will say that, as the result of this convention in which this oracular announcement of the position of the Republicans of Iowa was made, it represents the animal which is recognized as the emblem of the "grand old party"—the elephant—and by his side, leading him and marching with him, a very prominent Republican who was supposed to have been influential in the phrasing of that utterance by the Iowa Republican convention. On the rump of the animal, facing to the rear, is another very prominent Iowa Republican, with a muzzle on and bound hand and foot and placarded "You can't lose A. B." and underneath the cartoon is written "We are all in line." And so they were, but facing in opposite directions.

We all know, Mr. President, that in mediæval times those in authority were not very particular as to the methods by which they secured their plunder out of the common people. I use the word "plunder," but I am not using it offensively as to the tariff, although it might be quite proper to be done in some cases. But I never realized the fact that the scientific method of getting plunder out of the people without their exactly knowing how it was done, as is accomplished through means of the protective tariff, was of ancient origin. But it is proved to be by one of the utterances of the noble Brutus, which I shall read, and which I can not imagine could ever have been put into his mouth by the author of Julius Cæsar unless he had himself known something about the protective tariff. In the celebrated controversy between

Brutus and Cassius, Brutus, in a rage of indignation, uses these words:

By heaven, I had rather coin my heart,
And drop my blood for drachmas, than to wring
From the hard hands of peasants their vile trash
By any indirection.

I am utterly unable, Mr. President, to understand how even so great an intellect as the author of Julius Cæsar should have ever found such language unless he knew something practically, and a great deal, about the operations of a protective tariff.

ADDITIONAL HOMESTEAD ENTRIES.

The PRESIDING OFFICER (Mr. KEAN in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3165) providing for second and additional homestead entries, and for other purposes; which was on page 1, lines 3 and 4, to strike out the words "or who may hereafter make."

Mr. DUBOIS. I will say to the Senator from Connecticut [Mr. PLATT] and to the Senator from Missouri [Mr. COCKRELL] that this bill has met the approval of the Department. It allows homesteaders who have failed to secure their homesteads and who have sufficient proof that such failure has been through no fault on their part to make a second entry. It only applies to past homesteading and not to future homesteading.

I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

COLVILLE INDIAN RESERVATION.

The bill (H. R. 11586) to permit the construction of a smelter on the Colville Indian Reservation, and for other purposes, was read the first time by its title.

Mr. PLATT of Connecticut. I think that bill has been considered by the Committee on Indian Affairs, and that they have practically agreed to a similar Senate bill. So I wish this bill might lie on the table until to-morrow, when, if I find such to be the case, I shall ask to have the bill called up, and put on its second reading, and also on its passage.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

CHOCTAW AND CHICKASAW TOWN-SITE FUND.

The bill (H. R. 12382) authorizing the payment of the Choctaw and Chickasaw town-site fund, and for other purposes, was read twice by its title.

Mr. PLATT of Connecticut. With reference to this House bill the Committee on Indian Affairs have heretofore reported a Senate bill, which I have compared with the House bill, and the two bills are in identically the same language, including the amendments which the Senate Committee on Indian Affairs recommended. If there be no objection, I will, therefore, ask that the House bill shall be considered and put on its passage at the present time.

Mr. BAILEY. Mr. President, I, of course, would not want to object, but I simply desire to express the hope that the bill is so drawn as to enable those Indians to take care of certain warrants which have been long since past due and which were issued in payment, as I understand, for the services of their school-teachers. I desire to ask the Senator from Connecticut if this bill will permit the application of a part of this money to that purpose?

Mr. PLATT of Connecticut. This bill provides that the accumulated town-site fund shall be paid to the Choctaws per capita.

Mr. BAILEY. Then, of course, Mr. President, it would not permit the application of it to a tribal obligation.

Mr. PLATT of Connecticut. I suppose not.

Mr. BAILEY. I regret that this money is not to be devoted to discharging an obligation of the tribe before being divided among the tribesmen. I have constituents who for two years have been carrying the school warrants issued by the Chickasaw government in discharge of its obligations to its school-teachers, and I am advised by those constituents that the Choctaw legislature has recently passed, and the governor of the Choctaw people has approved, a bill to pay these warrants, and that they only need either the Federal Government to advance to them the funds out of what it now holds for their account, or else to authorize them in some way to make the provision. I desire to protest against the division of this fund among those people individually while their obligations as a government are going unpaid amongst my constituents.

As the Senator from Connecticut and the Senator from Nevada, chairman of the Committee on Indian Affairs, will recall, I did appear before that committee and urge that some provision be made for the payment of those warrants.

I not only feel that as a matter of justice to my constituents it ought to be done, but I feel that as a matter of justice to the good name of the Indians, whose tribal relation is soon to be dissolved, they ought not to be left with any obligation unprovided for, and particularly they ought not to be left with an obligation which

represents the labor of American citizens in teaching their children.

Mr. PLATT of Connecticut. If the Senator objects to the passage of this bill, all I will ask at the present time is that the House bill may be substituted on the Calendar for the Senate bill which has already been reported and is now upon the Calendar.

Mr. BAILEY. I have no desire to interfere with the Committee on Indian Affairs, but if taking that course will afford us some opportunity to provide by amendment for these warrants, I shall be gratified to see it taken.

Mr. PLATT of Connecticut. Let the House bill be substituted on the Calendar for the Senate bill.

Mr. BAILEY. Very well.

The PRESIDING OFFICER. Without objection, it will be so ordered, and the bill (S. 4657) authorizing the payment of the Choctaw and Chickasaw town-site fund will be indefinitely postponed.

COAL CITY (ILL.) PORT OF DELIVERY.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 12899) constituting Coal City, Ill., a port of delivery, which was read twice by its title.

Mr. CULLOM. I ask unanimous consent for the present consideration of the bill. Nobody objects to it.

Mr. GALLINGER. The Committee on Commerce have examined the bill and favor its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARNEGIE INSTITUTION OF WASHINGTON.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 14093) to incorporate the Carnegie Institution of Washington. The bill was read the other day and was objected to by the Senator from Massachusetts [Mr. LODGE], who now withdraws his objection.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on the District of Columbia with amendments.

The PRESIDING OFFICER. The bill was read in full the other day. The amendments reported by the Committee on the District of Columbia will be stated.

The first amendment was, on page 1, section 1, line 4, before the word "Carnegie," to strike out "said;" in line 5, before the name "Dodge," to strike out the letter "E" and insert the letter "H;" in line 8, after the name "Hutchinson," to insert "Samuel P. Langley;" and in line 10, after the name "Morrow," to insert "Ethan A. Hitchcock;" so as to make the section read:

That the persons following, being persons who are now trustees of the Carnegie Institution, namely, Alexander Agassiz, John S. Billings, John L. Cadwalader, Cleveland H. Dodge, William N. Frew, Lyman J. Gage, Daniel C. Gilman, John Hay, Henry L. Higginson, William Wirt Howe, Charles L. Hutchinson, Samuel P. Langley, William Lindsay, Seth Low, Wayne MacVeagh, Darius O. Mills, S. Weir Mitchell, William W. Morrow, Ethan A. Hitchcock, Elihu Root, John C. Spooner, Andrew D. White, Charles D. Walcott, Carroll D. Wright, their associates and successors, duly chosen, are hereby incorporated and declared to be a body corporate by the name of the Carnegie Institution of Washington and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions herein contained.

The amendment was agreed to.

The next amendment was, on page 2, line 4, after "SEC. 2," to strike out:

That the particular business and objects of the corporation shall be to encourage, in the broadest and most liberal manner, investigation, research, and discovery; to provide buildings, laboratories, books, and apparatus as required, and afford instruction of an advanced character to students properly qualified to profit thereby; and, in general, to increase the facilities for higher education; and in particular—

And insert:

That the objects of the corporation shall be to encourage, in the broadest and most liberal manner, investigation, research, and discovery, and the application of knowledge to the improvement of mankind; and in particular.

The amendment was agreed to.

The next amendment was, on page 3, section 3, line 17, before the name "Dodge," to strike out the letter "E" and insert the letter "H;" in line 19, after the name "Hutchinson," to insert "Samuel P. Langley;" and in line 21, after the word "Morrow," to insert "Ethan A. Hitchcock;" so as to read:

SEC. 3. That the direction and management of the affairs of the corporation and the control and disposal of its property and funds shall be vested in a board of trustees, twenty-two in number, to be composed of the following individuals: Alexander Agassiz, John S. Billings, John L. Cadwalader, Cleveland H. Dodge, William N. Frew, Lyman J. Gage, Daniel C. Gilman, John Hay, Henry L. Higginson, William Wirt Howe, Charles L. Hutchinson, Samuel P. Langley, William Lindsay, Seth Low, Wayne MacVeagh, Darius O. Mills, S. Weir Mitchell, William W. Morrow, Ethan A. Hitchcock, Elihu Root, John C. Spooner, Andrew D. White, Charles D. Walcott, Carroll D. Wright, who shall constitute the first board of trustees.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOSEPH W. I. KEMPA.

Mr. SPOONER. I am directed by the Committee on Finance, to whom was referred the bill (S. 5462) for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased, to report it with amendments, and I ask unanimous consent for its present consideration. It will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with amendments, on page 4, line 4, after the word "cause," to strike out "said" and insert "all;" in the same line, after the word "assessment," to strike out "for said" and insert "of;" in line 5, after the word "against," to strike out "the said;" in line 6, after the word "of," to strike out "said;" in line 8, after the word "to," to strike out "cause a refunding of" and insert "refund;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause all assessment of inheritance tax against J. W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased, to be abated; and that the Secretary of the Treasury be, and he is hereby, authorized and directed to refund the inheritance tax so collected by reason of the assessment made by the Commissioner of Internal Revenue against the said estate, and that the said executor be relieved from the payment of any such tax which may have attached to the said property by reason of the operation of the said law of June 13, 1898.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Finance reported an amendment, to strike out the preamble; which was agreed to.

LIGHT-HOUSE AT CAPE HATTERAS, NORTH CAROLINA.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 7264) to provide for the construction of a light-house and fog signal at Diamond Shoals, on the coast of North Carolina, at Cape Hatteras; which was read twice by its title.

Mr. SIMMONS. The bill (S. 2319) to provide for the construction of a light-house and fog signal at Diamond Shoals, on the coast of North Carolina, at Cape Hatteras, is substantially the same as the bill just laid before the Senate, and I ask unanimous consent that the House bill may be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GORMAN. What is the amount involved?

Mr. SIMMONS. Nothing is to be paid until the light-house is built and has been operated successfully for five years.

Mr. GORMAN. Then how much is to be paid?

Mr. SIMMONS. Five hundred and ninety thousand dollars. A similar bill has passed the Senate at this session.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SIMMONS. I move that the House be requested to return to the Senate the bill (S. 2319) to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGE.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 5504) to amend an act entitled "An act to authorize the counties of Sherburne and Wright, Minn., to construct a bridge across the Mississippi River," approved March 29, 1904.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND OFFICE FEES.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 4452) relative to fees and commissions on final entry or commutation of homestead entries.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with amendments, in line 5, after the word "shall," to insert "in all cases;" and at the end of the bill to insert:

and the registers and receivers shall not be entitled to collect any further commissions on moneys received on commuted homestead entries under the provisions of the second paragraph of section 2238 of the United States Revised Statutes.

So as to make the bill read:

Be it enacted, etc., That in making commutation or final entry of a homestead entry, in addition to the price to be paid for the land the entryman shall in all cases pay the same fees and commissions as now provided by law where the price of the land is \$1.25 per acre, and the registers and receivers shall not be entitled to collect any further commission on moneys received on commuted homestead entries under the provisions of the second paragraph of section 2238 of the United States Revised Statutes.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The hour of 6 o'clock having arrived, the Senate takes a recess until to-morrow morning, at 10 o'clock.

The Senate accordingly took a recess (at 6 o'clock p. m.) until to-morrow, Wednesday, April 27, 1904, at 10 o'clock a. m.

AFTER THE RECESS.

The Senate reassembled, at the expiration of the recess, at 10 o'clock a. m.

SENECA INDIAN LANDS IN NEW YORK.

Mr. KEAN. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably the resolution submitted by the Senator from Nevada [Mr. STEWART] on the 19th instant, and I ask for its present consideration.

The PRESIDENT pro tempore. The Senator from New Jersey asks unanimous consent to submit a report from the Committee to Audit and Control the Contingent Expenses of the Senate. Is there objection? The Chair hears none. The report is before the Senate.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby authorized to investigate the claim of the Ogden Land Company to the lands of the Seneca Nation of Indians in the State of New York, and the proposed allotment of said lands in severalty to said Indians. Also to investigate and report upon such other matters affecting the Indians or the Indian Service as the committee shall consider expedient. Said committee shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer and interpreter, and sit during the session or the recess of the Senate at such times and places as the committee may determine; and the actual and necessary expenses of said investigations to be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

PRESERVATION OF HISTORIC AND PREHISTORIC RUINS, ETC.

Mr. TELLER. Day before yesterday I objected to the passage of a bill in which the scientists of this country are greatly interested. There were some objections that I had to the bill. After consulting with them I prepared yesterday, with their approval, an amendment which I ask to substitute for the bill, and that the bill be put on its passage.

Mr. BLACKBURN. What is the bill?

Mr. TELLER. It is a bill for the preservation of the antiquities in the West. I desire to call up the bill this morning, for there has been a great deal of interest taken in it by the scientific people of the country, and inasmuch as I objected to the bill I feel that I ought to do so. I offer an amendment which is agreeable to the parties interested in securing a measure for this purpose.

The PRESIDENT pro tempore. The Senator from Colorado asks for the present consideration of the bill (S. 5603) for the preservation of historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and to prevent their counterfeiting. The bill has been read in full to the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. TELLER. I move an amendment as a substitute to the bill reported by the Committee on Public Lands. It is substantially the same measure, but with some things left out of the bill as reported.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Colorado will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

That for the purpose of preserving and protecting from despoliation the historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and the work of the American aborigines on the public lands of the United States, all said historic and prehistoric ruins, monuments, archaeological objects, and other antiquities are hereby placed in the care and custody of the Secretary of the Interior, with authority to grant permits to persons whom he may deem properly qualified to examine, excavate, and collect antiquities in the same: *Provided, however,* That the work of such persons to whom permits may be granted by the Secretary of the Interior is undertaken for the benefit of some incorporated public museum, university, college, scientific society, or educational institution, either foreign or domestic, for the purpose of increasing and advancing the knowledge of historical, archaeological, anthropological, or ethnological science.

SEC. 2. That the Secretary of the Interior may make temporary withdrawals of the land on which such prehistoric ruins, monuments, archaeological objects, and other antiquities are located, including only the land necessary for such preservation and not exceeding in one place one section of land. The Secretary of the Interior may detail custodians of such ruins or groups of ruins, with the view to their protection and preservation, and it

shall be the duty of such custodians to prohibit and prevent unauthorized and unlawful excavations thereof, or the removing therefrom of antiquities.

SEC. 3. That it shall be the duty of the Secretary of the Interior to grant to any State or Territorial museum or university, having connected therewith a public museum, permits to excavate and explore any ruin or site located within its territorial limits on the public lands, upon application for such permit being indorsed by the governor of the State or Territory wherein the ruins are situated.

SEC. 4. That the Secretary of the Interior is hereby authorized to grant permits for the purposes set forth in the foregoing sections to foreign national museums, universities, or scientific societies engaged in advancing the knowledge of historical, archaeological, anthropological, or ethnological science under such regulations as he may deem advisable, and to make such division of the antiquities recovered as in his judgment seems equitable, and the antiquities retained in this country shall be deposited in the United States National Museum or in some public museum in the State or Territory within which explorations are made.

SEC. 5. That permits granted to any institution or society shall state the site or locality in which excavations or investigations are to be conducted, and shall require that the work begin within a stated time, and that the work shall be continuous until such excavations have been satisfactorily completed, in the judgment of the Secretary of the Interior; and that any failure to comply with such requirements shall be deemed a forfeiture of the permit, and in case of such forfeiture all antiquities gathered from such ruin or site shall revert to the United States National Museum or to such State or Territorial institution as the Secretary of the Interior shall designate.

SEC. 6. That of all excavations and explorations made under a permit granted by the Secretary of the Interior a complete photographic record shall be made showing the progress of the said excavations, and of all objects of archaeological or historical value found therein, and duplicate photographs thereof, together with a full report of the excavations, shall be deposited in the United States National Museum.

SEC. 7. That it shall be the duty of the Secretary of the Interior to make and publish from time to time such rules and regulations as he shall deem expedient and necessary for the purpose of carrying out the provisions of this act.

SEC. 8. That any person who shall excavate, disturb, willfully destroy, alter, deface, mutilate, or injure, without authority from the Secretary of the Interior as aforesaid, any prehistoric aboriginal structure or grave on the public lands of the United States, or who knowingly and intentionally conducts, enters into, aids, abets, or participates in any manner whatever in any excavations or gatherings of archaeological objects or the destruction or injury to any grave or prehistoric structure on the public lands of the United States, or shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding \$500, or by imprisonment not exceeding one year, or both.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UTAH SENATORIAL INVESTIGATION.

Mr. BURROWS. I am instructed by the Committee on Privileges and Elections to report a resolution, which I ask may be read.

The resolution was read, as follows:

Resolved, That in the investigation of the right and title of REED SMOOT to a seat in the Senate as Senator from the State of Utah, the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be and is authorized to sit during the recess of the Senate and at such times and places as may suit the convenience of said committee or subcommittee, with the same power and authority in all respects as are conferred on said committee by the resolution adopted by the Senate January 27, 1904.

Mr. STEWART. Let that go over.

Mr. BURROWS. I ask that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. It will be so referred.

Mr. KEAN subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the foregoing resolution; and it was considered by unanimous consent, and agreed to.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15054) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 13, 16, 25, 26, 27, 28, 29, 30, 40, 49, 51, 52, 53, 55, 60, 86, 92, 93, and 105.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 15, 17, 18, 19, 20, 21, 23, 24, 31, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 50, 54, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84, 85, 87, 88, 91, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, and 104, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "expended" and insert in lieu thereof the words "the close of the fiscal year 1905;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amend-

ment as follows: In lines 4 and 5 of said amendment strike out the words "approved April —, 1904," and insert in lieu thereof the following: "passed during the present session of Congress;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "offices," insert the following: "except such employees as were transferred by the Secretary of War to the military information division of the General Staff prior to April 1, 1904;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 6 of said amendment strike out all after the word "States," down to and including the word "surplus" in line 7, and insert in lieu thereof the words "the proceeds;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In line 6 of said amendment strike out the word "first" and insert in lieu thereof the word "fourth;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and Senate documents numbered 284, 293, and 300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The accounting officers of the Treasury are hereby authorized and directed to reopen and adjust the claim of the State of Missouri, under the act to reimburse the State of Missouri for moneys expended for the United States in enrolling and equipping and provisioning militia forces to aid in suppressing the rebellion, approved April 17, 1866, on the basis of like claims of Indiana, Michigan, New York, Maine, and Pennsylvania;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Add at the end of said amendment, after the word "cents," the following: "and the acceptance of payment hereunder shall be in full for all claims, of the character herein provided for, by the State of Texas;" and the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER.

Managers on the part of the Senate.

J. A. HEMENWAY,
A. C. VAN VOORHIS,
L. F. LIVINGSTON.

Managers on the part of the House.

The report was agreed to.

ESTATE OF ARTEMUS E. GIBSON.

Mr. HALE. I should like to make a request of the Senate. I have been unable to be in the Senate for the last two weeks, having been engaged on appropriation bills. There are two bills of very little account which I should like to have passed at the present time, if there is no objection.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent for the present consideration of a bill which will be read.

The SECRETARY. A bill (H. R. 7718) for the relief of the estate of Artemus E. Gibson.

Mr. HANSBROUGH. I desire to ask whether it is the intention of the Senator from Maine to allow us to take up the Calendar for a while, or whether we can not go to the Calendar, but must call up individual bills by asking unanimous consent in order to pass them? I have been waiting for the last two weeks to have some bills passed which are very important to my section of the country, and I think we ought to be allowed an equal privilege here, if it is possible to do so.

Mr. HALE. I shall not—

Mr. HANSBROUGH. I do not want to object to the Senator's request.

Mr. HALE. The Committee on Appropriations proposes in the next ten minutes to present its last conference report, and then the whole field will be open.

Mr. HANSBROUGH. I desire to ask the Senator from Maine when the Committee on Appropriations desires to have the Senate adjourn? We all understand that after the appropriation bills are out of the way the next order of business is final adjournment.

Mr. HALE. I withdraw my request.

Mr. FORAKER. I hope the Senator from Maine will not withdraw his request. I wish to make a similar one. I think the Senator from Maine ought to have an opportunity to call up the bills.

Mr. BLACKBURN. So do I.

Mr. HALE. The Senator from Iowa, who has charge of the sundry civil appropriation bill, is ready to submit the conference report upon it.

Mr. HANSBROUGH. I do not object to the Senator's request, Mr. President. I do not wish to be understood as objecting to it.

Mr. GALLINGER. Mr. President, it is proper that some of us who have had recognition should state that during the entire session, so far as I know, the Senator from Maine has made no request of this kind. I think he ought to be granted the privilege.

Mr. HANSBROUGH. Certainly.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It directs the Secretary of the Treasury to issue to the estate of Artemus E. Gibson, deceased, duplicates in lieu of United States 4 per cent registered bonds of the funded loan of 1907, Nos. 110479 and 110480 for \$100 each, and 90398 for \$1,000, inscribed in the name of Artemus E. Gibson and alleged to have been lost or destroyed. But the legal representative of the estate of Artemus E. Gibson shall first file in the Treasury a bond in a sum equal to the amount of the principal of the bonds and the interest that would accrue thereon until the same shall become due or payable, with good and sufficient sureties, to be approved by the Secretary of the Treasury, conditioned to indemnify and save harmless the United States from any claim because of the lost or destroyed bonds.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS FOR DAMAGES FOR TARGET PRACTICE.

Mr. HALE. I ask the Senate to proceed to the consideration of the bill (S. 4236) to pay claimants for damages to private property by reason of mortar practice at Fort Preble, Me., during the fall of 1901, as reported by a board of army officers constituted to ascertain the same.

Mr. KEAN. The bill has been read.

Mr. HALE. The bill has already been read.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the word "practice," to strike out the words "at Fort Preble, Me., during the fall of 1901;" and on page 2, line 8, after the word "dollars," to insert:

all at Fort Preble, Me.; to Mrs. Emma Tatro, \$3.72, at Fort Winthrop, Mass.; to Katharine Jackman, \$3, and to Elizabeth Dance, \$25, both at Fort Hamilton, N. Y.; to E. M. Ferguson, \$25, at Fort H. G. Wright, N. Y.—

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the following claims against the Government of the United States, arising out of damages to private property by reason of mortar practice, as ascertained and reported to the Secretary of War by a board of army officers constituted for that purpose: To A. M. Spear, \$900; to Harriet S. Webster, \$1,315; to F. H. Harford, \$250; to Margaret E. McDonald, \$400; to Nicholas Mospan, \$165; to Malvina H. Merriman, \$125; to James Merriman, \$150; to Mary E. Parker, \$300; to Mary E. Tingley, \$75; to Hattie E. McCann, \$19; to Harry Wood, \$76, all at Fort Preble, Me.; to Mrs. Emma Tatro, \$3.72, at Fort Winthrop, Mass.; to Katharine Jackman, \$3, and to Elizabeth Dance, \$25, both at Fort Hamilton, N. Y.; to E. M. Ferguson, \$25, at Fort H. G. Wright, N. Y. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay said several claims.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to pay claimants for damages to private property by reason of mortar practice at Fort Preble, Me.; Fort Winthrop, Mass.; Fort Hamilton, N. Y., and Fort H. G. Wright, N. Y., as reported by board of army officers constituted to ascertain the same."

ESTATE OF JOHN JACOBY.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 3043) for the relief of the estate of the late John Jacoby.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Commissioners of the District of Columbia and the accounting officers of the Treasury to settle with the administrator of the estate of John Jacoby all matters, controversies, dues, or accounts arising out of the several contracts between John Jacoby and the District of Columbia.

The settlement shall be made upon the basis and theory of law that all contracts between Jacoby and the District ended at and

were terminated by the death of Jacoby and did not survive his death or the annulment of the contracts declared by the District of Columbia thereafter, and that the estate of John Jacoby is not chargeable with the increased cost, if any, to the District of Columbia of completing sewers and other public work by reason of the District thereafter entering into contracts with other persons for the completion thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. The preamble was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 2698) to establish a life-saving station at or near the entrance to Tillamook Bay, Oregon; and

A bill (S. 3182) to pay certain Choctaw (Indian) warrants held by James M. Shackelford.

The message also announced that the House had passed with amendments the bill (S. 5537) to authorize the board of county commissioners of the county of Hampden, in the Commonwealth of Massachusetts, to construct a bridge across the Connecticut River between Chicopee and West Springfield, in said county and Commonwealth; in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13860) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1905, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PARKER, Mr. MONDELL, and Mr. SULZER managers at the conference on the part of the House.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

A bill (S. 127) authorizing the joining of Kalorama avenue;

A bill (S. 2135) to connect Euclid place with Erie street;

A bill (S. 2621) for the widening of V street NW.;

A bill (S. 2710) for the opening of connecting highways on the east and west sides of the Zoological Park, District of Columbia; and

A bill (S. 3869) for the extension of Albemarle street.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 2382) providing for the resurvey of certain townships in Routt and Rio Blanco counties, in the State of Colorado;

A bill (S. 3035) supplemental to and amendatory of an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900;

A bill (S. 3117) to expedite business in the district court of the United States for the district of Oregon;

A bill (S. 3129) to promote the circulation of reading matter among the blind;

A bill (S. 3338) to amend and codify the laws relating to municipal corporations in the district of Alaska;

A bill (S. 3777) granting a pension to Sarah S. Smith;

A bill (S. 4651) for the relief of James T. Barry and Richard Cushion, executors of the last will and testament of Martin Dowling, deceased;

A bill (S. 5255) to provide allotments to Indians on White Earth Reservation, in Minnesota;

A bill (S. 5369) to extend to Peoria, Ill., the privileges of the seventh section of the act of Congress approved June 10, 1880, governing the immediate transportation of merchandise without appraisement;

A bill (S. 5475) granting a pension to Mary M. Rice;

A bill (H. R. 614) granting a pension to Michael O'Brien, alias Michael Clifford;

A bill (H. R. 875) for the relief of Harry C. Mix;

A bill (H. R. 1958) to provide for an additional associate justice of the supreme court of the Territory of New Mexico;

A bill (H. R. 8421) for the relief of Russel A. McKinley;

A bill (H. R. 8285) granting an increase of pension to William S. Peck;

A bill (H. R. 8790) granting a pension to C. Annette Buckel;

A bill (H. R. 12666) granting an increase of pension to Henry E. W. Campbell;

A bill (H. R. 13936) granting an increase of pension to John W. Thomas;

A bill (H. R. 14491) granting an increase of pension to Eli Prebble;

A bill (H. R. 14533) to change and fix the time for holding the district and circuit courts for the northern division of the eastern district of Tennessee;

A bill (H. R. 14673) to create a new division of the southern judicial district of Iowa, and to provide for terms of court at Davenport, Iowa, and for a clerk for said court, and for other purposes;

A bill (H. R. 14700) granting an increase of pension to Hamden C. Washburn;

A bill (H. R. 14826) to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska;

A bill (H. R. 14944) establishing a regular term of the United States circuit and district courts at Lewisburg, W. Va.; and

A bill (H. R. 15228) establishing a regular term of the United States circuit and district courts at East St. Louis, Ill.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I present the agreement of the conferees on the sundry civil appropriation bill, so called. This is a final agreement.

Mr. CULLOM. I ask the Senator from Iowa whether he will delay the reading of the conference report that I may call up a little bill in which the public is interested, not myself individually. It is not an individual bill, but a bill in relation to the assignment of diplomatic and consular officers. I should like to have it passed. The State Department is anxious that it should become a law.

The PRESIDENT pro tempore. The Chair recognized the Senator from Iowa.

Mr. CULLOM. I appeal to him.

Mr. ALLISON. I am appealed to by several Senators. I think the conference report will not take long, and then I trust that a few minutes at least may be taken up with requests for unanimous consent.

The PRESIDENT pro tempore. The conference report will be read.

The Secretary proceeded to read the conference report.

Mr. PLATT of Connecticut. I think, inasmuch as the only poor privilege we have with reference to a conference report is to hear it read, we ought to at least have order enough in the Chamber to hear it.

The PRESIDENT pro tempore. The Senator from Connecticut must be aware how difficult it is to keep order the last two or three days of a session.

Mr. PLATT of Connecticut. I am aware of it.

The PRESIDENT pro tempore. The Chair tries his best to have order.

Mr. PLATT of Connecticut. I am aware of it. And yet I know that it is during the last two or three days of a session that the most important legislation of the session is passed, and I do not think it ought to be neglected.

The Secretary resumed and concluded the reading of the conference report, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14416) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 5, 6, 8, 10, 11, 12, 14, 15, 16, 18, 23, 24, 25, 26, 30, 34, 35, 38, 40, 43, 45, 46, 50, 54, 62, 63, 64, 65, 66, 78, 81, 100, 102, 105, 106, 108, 110, 112, 119, 147, 148, 149, 150, 151, 152, 153, 163, 164, 165, and 169.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 7, 9, 19, 22, 27, 28, 29, 31, 33, 36, 37, 39, 41, 42, 44, 51, 52, 55, 56, 59, 60, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 79, 82, 83, 84, 94, 95, 96, 97, 98, 99, 101, 103, 107, 109, 111, 113, 114, 115, 116, 117, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 139, 140, 142, 143, 146, 154, 155, 156, 158, 159, 160, 161, 162, 166, 167, 168, 170, and 171, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert as a new paragraph the following:

"The Secretary of the Treasury is hereby authorized to acquire, by purchase, condemnation, or otherwise, the properties known as the Peabody and Gunton properties, immediately adjacent to the site of the said custom-house building, abutting on Water street, Exchange place, and Post-Office avenue, in the city of Baltimore, Md., at a cost not to exceed the sum of ninety thousand dollars; and the said Secretary is hereby authorized to use for that purpose the sum of twenty-four thousand nine hundred and eighty-eight dollars and eighty-one cents remaining available from the purchase of the Merchants' National Bank property, together

with the further sum of sixty-five thousand and eleven dollars and nineteen cents, which sum is hereby appropriated for that purpose."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "one hundred and seventy-five thousand" and insert in lieu thereof the words "one hundred and seventy-one thousand six hundred;" and in line 5 of said amendment, after the word "four," insert the words "and not covered by insurance;" and at the end of said amendment, after the word "five," insert the following: "Provided, That said release shall operate as a bar to any claim of said Henry Smith & Sons for any damages incurred by them in constructing said building in excess of said sum of one hundred and seventy-one thousand six hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "States," in line 9, down to and including the word "company," in line 15; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: After the word "dollars," at the end of the amended paragraph, insert the following: "and for the fiscal year nineteen hundred and six estimates shall be submitted hereunder embracing all sums expended for this service out of other appropriations made by Congress;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$349,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$290,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Ambrose Channel light station, New York: Detailed estimates shall be submitted to Congress at its next session for a complete system of lighting Ambrose Channel, including the number and character of lights required and the cost of each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the word "seventy-five" and insert in lieu thereof the word "fifty;" and after the word "dollars," at the end of said amendment, insert the following: "; and the Light-House Board is authorized to employ temporarily at Washington not exceeding three draftsmen, to be paid at current rates, to prepare the plans for the tenders for which appropriations are made by this act, such draftsmen to be paid from and equitably charged to the appropriations for building such vessels; such employment to cease and determine on or before the date when the plans for such vessels being finished, proposals for building said vessels are invited by advertisement;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the word "seventy-five" and insert in lieu thereof the word "fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the word "seventy-five" and insert in lieu thereof the word "fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$740,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the number proposed insert "ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$132,860;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$160,520;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "one," insert the word "assistant;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 85, 86, 87, 88, 89, 90, 91, 92, and 93, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert in lieu thereof the following:

"A joint commission composed of three Senators, namely, Hon. GEORGE P. WETMORE, of Rhode Island, Hon. RUSSELL A. ALGER, of Michigan, and Hon. ARTHUR P. GORMAN, of Maryland, and three Members of the House of Representatives of the Fifty-eighth Congress, namely, Hon. JOSEPH G. CANNON, of Illinois, Hon. WILLIAM P. HEPBURN, of Iowa, and Hon. JAMES D. RICHARDSON, of Tennessee, which is hereby created, is authorized to inquire, and report to Congress at its next session plans in detail and estimates of cost for the extension and completion of the Capitol building, in accordance with the original plans thereof by the late Thomas U. Walter, with such modifications thereof as they may deem advantageous or necessary, and for each and every purpose connected therewith, including the employment of such professional and other services as they may deem requisite, and for such other expenses as said joint commission may authorize or incur, there is hereby appropriated the sum of \$50,000, or so much thereof as may be necessary; and the Superintendent of the Capitol Building and Grounds, under the direction and supervision of said commission, or such commission as shall be authorized by Congress, shall conduct the making of all contracts for said construction, whenever and not before the same shall be authorized by Congress, after proper advertisements and the reception of bids, and said superintendent, subject to the direction and approval of such commission, shall employ such professional and personal services in connection with said work, when authorized as the aforesaid, as may be necessary. Any vacancy occurring by resignation or otherwise in the membership of said commission shall be filled by the presiding officer of the Senate or House, according as the vacancy occurs in the Senate or House representation on said commission."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,087,920;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable a commission, which is hereby created, to be composed of the Secretary of State, the chairman of the Committee on the Library of the Senate, and the chairman of the Committee on the Library of the House of Representatives of the Fifty-eighth Congress, to select a site on the public grounds of the District of Columbia for a statue of Thomas Jefferson, to cost, complete, not to exceed \$100,000; and to procure plans and designs for the same, to be reported to Congress during its next session, \$5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In line 15 of the matter inserted by said amendment strike out the words "three hundred and seventy-five" and insert in lieu thereof the words "five hundred and twenty-three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert: "\$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the words "and directed;" and in line 8 strike out the words "and the electric torch thereof lighted;" and in line 12, after the word "incurred," strike out all down to and including the word "appropriated," at the end of the amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amend-

ment as follows: In lieu of the sum named in said amendment insert "\$5,000;" and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,

Managers on the part of the Senate.

JAMES A. HEMENWAY,
FREDERICK H. GILLET,
M. E. BENTON,

Managers on the part of the House.

Mr. PLATT of Connecticut. I wish the Secretary would read again the first part of the newly constructed paragraph relating to the extension of the Capitol building.

The PRESIDENT pro tempore. It will be read.

The Secretary read as follows:

A joint commission composed of three Senators, namely, Hon. GEORGE P. WETMORE of Rhode Island, Hon. RUSSELL A. ALGER of Michigan, and Hon. ARTHUR P. GORMAN of Maryland, and three Members of the House of Representatives of the Fifty-eighth Congress, namely, Hon. JOSEPH G. CANNON of Illinois, Hon. WILLIAM P. HEPBURN of Iowa, and Hon. JAMES D. RICHARDSON of Tennessee, which is hereby created, is authorized to inquire and report to Congress at its next session plans in detail and estimates of cost for the extension and completion of the Capitol building, in accordance with the original plans thereof by the late Thomas U. Walter, with such modifications thereof as they may deem advantageous or necessary.

Mr. PLATT of Connecticut. That is all that need be reread. I simply want to reiterate what I said when this matter was under consideration in the Senate, that as it comes from the committee of conference and becomes the statute law, it commits Congress absolutely, in my opinion, to the extension of the Capitol according to the plans of the architect, Mr. Walter. This commission is not to inquire as to the advisability of doing it, but it is to inquire and report plans for doing it. To be sure, those plans will be open to the approval of Congress, but it will be said then that Congress has been committed to the project.

I wish to put on record here my belief—I will not call it a prophecy—that there will never be any more objection raised in either House of Congress to that project.

Mr. HALE. Mr. President, I do not agree with the Senator from Connecticut that in the scheme for extending the eastern front of the Capitol there will be no word said hereafter. I am as much opposed to it as I ever was. The scheme that is in this bill is substantially what passed the Senate. We are not committed to the Walter plan, because it is declared that the commission may modify it. We are not committed to adopt it, because it stated that no movement toward any work in this direction shall be made until Congress authorizes it. It is only to be done when it is authorized, and not before, and if any plan is presented that to any extent disfigures the eastern front I wish to give notice that I shall oppose it as strongly as I have done here. I shall not consider that I am in any way bound by what is in this bill. I would not have consented to it if I had not that view.

Mr. ALLISON. The Senator from Connecticut asked that only the first portion of the substitute amendment should be read. Taking the whole amendment together, the Senator from Maine has substantially stated its effect. It must, of course, be authorized by Congress before any step shall be taken except to prepare the Walter plans.

Mr. ALDRICH. I should like to ask the Senator from Iowa what action was taken upon the amendment removing the limitation upon coinage of subsidiary silver coins?

Mr. ALLISON. The Senate conferees receded from that amendment, and did so readily, because on a careful examination of the condition of the law on the subject we understand that what we proposed to insert in the bill is already the law—that is to say, there is no limitation now, under the existing statutes, upon the power of the Secretary of the Treasury to purchase bullion and coin subsidiary coinage. That matter was very carefully investigated by several gentlemen, not only by the Committee on Appropriations, but also by the Committee on Finance; and the Senator from Rhode Island, the chairman of the Committee on Finance, is prepared undoubtedly to defend the position that the Committee on Appropriations has taken upon that subject.

Mr. ALDRICH. In view of the evident misunderstanding as to the purpose of this amendment and its effect, I should like to make a very brief statement.

This matter has been very carefully reconsidered by the Committee on Finance, and they agree with entire unanimity that there is no need of the legislation suggested in this bill. They agree with the statement made by the Senator from Iowa that at the present moment there is no limitation or restriction upon the amount of subsidiary silver coin which may be coined or upon the right of the Director of the Mint to purchase bullion for such coinage. Perhaps it is desirable that I should state some of the reasons that have led the committee to reach this conclusion.

The coinage act of 1853 reduced the relative weight of half dol-

lars, quarters, and dimes below that of the standard dollar, and gave to them for the first time the character of subsidiary coinage. That act authorized the Director of the Mint to purchase bullion for such coinage and to coin subsidiary coin without any limit either as to the amount to be purchased or to be coined.

That act remained in force until the coinage act of 1873 was passed. This act continued the same authority to the Director of the Mint to purchase bullion and to coin subsidiary coinage without limit. This power to purchase bullion was incorporated into the Revised Statutes as section 3526, and has remained unchanged from that time to the present.

There is no limit upon the purchase of silver bullion for subsidiary coinage now, and there never has been, except that imposed by inference by the limit placed upon the coinage of subsidiary silver, first by the act of 1876, which limited the amount outstanding at any time to \$50,000,000. This limit remained in force until the act of 1900 was passed, when it was repealed and the limit of coin outstanding at any time was fixed at \$100,000,000. This latter limit was continued until the sundry civil appropriation act of 1903 was passed. In that act a provision was inserted which removed all limitations on the amount of subsidiary coin outstanding.

The act of 1900 also gave additional authority for the coinage of subsidiary coin from the silver bullion in the Treasury purchased under the act of 1890 for another purpose—that is, for the purpose of being coined into standard silver dollars.

Mr. SPOONER. The Senator right there will allow me to remind him that it is at the discretion of the Secretary.

Mr. ALDRICH. Certainly, that authority was at the discretion of the Secretary.

The repealing provisions of the sundry civil act approved March 3, 1903, were inserted upon the recommendation of the Finance Committee, who acted upon the urgent request of the Director of the Mint and the Secretary of the Treasury. The Director of the Mint, in his annual report for 1902, said:

SUBSIDIARY COINAGE.

The report of this Bureau one year ago directed attention to the necessity for legislation at an early day to authorize an increase in the country's stock of subsidiary coin. This need has become imperative, for unless Congress takes action to this end at its present session the Treasury will soon be unable to meet the demand for the fractional pieces. The monetary act of March 14, 1900, limits the total stock of these coins in the country at any one time to \$100,000,000, and that limit has been reached. Coinage has ceased, and the Treasury is wholly dependent upon the stock now on hand to supply the public needs. On October 1, 1901, the stock in the country was \$90,613,512, of which \$10,520,157 was in the Treasury. On October 1, 1902, the stock in the country was \$100,000,000, of which \$10,750,477 was in the Treasury. The latter amount is no more than should be in the Treasury at all times, as it includes all denominations, and it is divided between the Treasury at Washington and the nine subtreasuries.

No good reason appears for limiting the issue of subsidiary silver coins. They are not a legal tender and can not be forced into circulation in excess of the wants of trade. They are redeemable at any office of the Treasury and can not be kept in circulation in excess of the wants of trade. The outflow and return are entirely automatic. The public knows when it wants change and should be supplied without restriction. The coinage acts of the period before the civil war contained no limit upon the supply of these denominations. The act of 1853, which reduced the fractional pieces to token money, did not restrict their issue. The first appearance of the limit upon the fractional denominations was in the act of June 30, 1864, authorizing the issue of \$50,000,000 in fractional paper currency. This naturally followed from the fact that all issues of paper money were in fixed amounts and the fractional currency was not redeemable in coin. In providing for the resumption of specie payments and the substitution of fractional silver for fractional paper currency, Congress followed in part the language of the act authorizing the paper currency, and this restricted the total amount of coin and paper to \$50,000,000. The act of March 14, 1900, raised this limit to \$100,000,000, and it should now be raised again or abolished entirely.

The language in the repealing clause was clearly intended to remove all limitations upon the amount of subsidiary coins at any time outstanding. There can be no question as to the purpose of Congress in adopting the amendment. No further action would have been suggested by the committee except for the doubts expressed by the Secretary of the Treasury as to the effect of the legislation of 1903.

In a letter directed to the chairman of the Finance Committee the Secretary says:

The purpose of this enactment was probably to remove the limit upon the issue of subsidiary silver coin, but an examination of section 8 of the act of March 14, 1900, to which this is an amendment, raises a doubt as to whether this purpose is accomplished. It enlarges the authority given to the Secretary of the Treasury by that act to coin subsidiary silver from bullion then in the Treasury, but it is not clear that more than this is effected.

It was to remove these doubts that the Senate adopted, at the request of the committee, the amendment referred to by the Senator from Iowa. But since the action of the Senate the matter has been very carefully gone over by the members of the respective committees, and it is their unanimous opinion that there is no limitation upon the authority of the Secretary of the Treasury to purchase silver bullion for subsidiary coinage or as to the amount of such subsidiary coinage that may be issued.

Mr. MORGAN. May I ask the Senator with what fund are we to pay for this bullion for subsidiary coinage?

Mr. ALDRICH. The bullion fund provided by law for that purpose.

Mr. MORGAN. It is only under an act of Congress appropriating an amount for that purpose?

Mr. ALDRICH. From a fund which is authorized in the act of 1873.

Mr. MORGAN. Is there any such amount now?

Mr. ALDRICH. It is a continuing act which is now in force.

Mr. MORGAN. Authorizing the purchase of an unlimited amount of silver bullion for subsidiary coinage?

Mr. ALDRICH. Unquestionably.

Mr. MORGAN. Then the silver men are getting along better than I thought they were.

Mr. ALDRICH. That has been the law for more than half a century, and the wisdom of it has never been questioned until recently. Recently it has been suddenly discovered that possibly the Secretary of the Treasury might purchase all the silver in the United States under its authority.

Mr. MORGAN. Who has discovered that?

Mr. ALDRICH. I do not know. I have seen some statements—

Mr. BAILEY. Some wise men.

Mr. ALDRICH. Yes; some wise men, not members of this body I am glad to say, have expressed hysterical fears that the Secretary of the Treasury, under this provision, might purchase all or a large portion of the silver in the world.

Mr. MORGAN. Still we are not afraid.

Mr. ALDRICH. I think not. The Secretary of the Treasury has had this power, and it has always been exercised wisely. It can only be exercised for the purpose of subsidiary silver coinage. The Director of the Mint has the power to purchase metal for minor coins. You might as well expect that the Director of the Mint would try to create a corner in the copper market or the nickel market under the general power which he has to buy those metals for minor coins.

Mr. LATIMER. Do I understand the Senator to say that there was a provision of law providing funds for the purchase of silver bullion?

Mr. ALDRICH. There is a provision of law for the purchase of silver bullion for subsidiary coinage, and to pay for the same from the bullion fund.

Mr. LATIMER. What amount is provided for that purpose?

Mr. ALDRICH. No specific amount. That is entirely in the discretion of the Secretary.

Mr. LATIMER. Then it is unlimited?

Mr. ALDRICH. There is no limit to the power to make such purchases. The Secretary of the Treasury has the authority to add to the bullion fund to any extent he sees fit. So that the whole subject is within the discretion of the Director of the Mint and the Secretary of the Treasury; and no further legislation, in the opinion of the Finance Committee or any member of it, is now necessary.

I will, with the consent of the Senate, insert in my remarks the sections of the law to which I have referred.

The PRESIDENT pro tempore. Without objection, that order will be made.

The sections referred to are as follows:

Sec. 3526. [Revised Statutes.] In order to procure bullion for the silver coinage authorized by this title the superintendents, with the approval of the Director of the Mint as to price, terms, and quantity, shall purchase such bullion with the bullion fund. The gain arising from the coinage of such silver bullion into coin of a nominal value exceeding the cost thereof shall be credited to a special fund denominated the silver profit fund. This fund shall be charged with the wastage incurred in the silver coinage, and with the expense of distributing such silver coins as hereinafter provided. The balance to the credit of this fund shall be from time to time, and at least twice a year, paid into the Treasury of the United States.

Sec. 3. [Act of July 22, 1876.] That in addition to the amount of subsidiary silver coin authorized by law to be issued in redemption of the fractional currency it shall be lawful to manufacture at the several mints, and issue through the Treasury and its several offices, such coin, to an amount that, including the amount of subsidiary silver coin and of fractional currency outstanding, shall, in the aggregate, not exceed at any time \$50,000,000.

Sec. 8. [Act of March 14, 1900.] That the Secretary of the Treasury is hereby authorized to use, at his discretion, any silver bullion in the Treasury of the United States, purchased under the act of July 14, 1890, for coinage into such denominations of subsidiary silver coin as may be necessary to meet the public requirements for such coin: *Provided*, That the amount of subsidiary silver coin outstanding shall not at any time exceed in the aggregate \$100,000,000. Whenever any silver bullion purchased under the act of July 14, 1890, shall be used in the coinage of subsidiary silver coin, an amount of Treasury notes issued under said act equal to the cost of the bullion contained in such coin shall be canceled and not reissued.

[Sundry civil act of 1903:] That the authority given to the Secretary of the Treasury to coin subsidiary silver coin by the eighth section of an act entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900, may hereafter be exercised without limitation as to the amount of such subsidiary coin outstanding.

Mr. STEWART. Mr. President, there is on the table of the presiding officer a bill from the House of Representatives (H. R.

11586) to permit the construction of a smelter on the Colville Indian Reservation, and for other purposes. I ask that it may be laid before the Senate and considered at this time.

The PRESIDENT pro tempore. The Chair will state to the Senator from Nevada that the conference report which has been pending before the Senate is not yet disposed of. Will he allow that to be disposed of before he asks unanimous consent for the consideration of the bill to which he refers?

Mr. STEWART. I thought the conference report had been disposed of.

The PRESIDENT pro tempore. It has not yet been disposed of.

Mr. STEWART. Very well; I will wait.

The PRESIDENT pro tempore. The question is on agreeing to the report of the conference committee.

The report was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19860) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1905, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. WARREN, Mr. ALGER, and Mr. BLACKBURN were appointed.

CONNECTICUT RIVER BRIDGE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5537) to authorize the board of county commissioners of the county of Hampden, in the Commonwealth of Massachusetts, to construct a bridge across the Connecticut River between Chicopee and West Springfield, in said county and Commonwealth, which were, in section 5, on page 3, line 11, to strike out "two years" and insert "one year," and in line 12, before the word "years," to strike out "six" and insert "three."

Mr. LODGE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

EXEMPTION OF PRIVATE PROPERTY AT SEA.

Mr. CULLOM. Mr. President, my modesty has kept me from seeking the floor for a number of days, although I have been stating occasionally that I desired it. I take it now with very great embarrassment because of the fact that there are so many Senators who are anxious to pass bills. I am encouraged, however, to now proceed for the reason that my understanding is that there is to be either a day or a night session before we adjourn when several hours will be given to enable Senators to pass bills to which there is no objection, so that a great majority of the bills which are desired to be passed Senators will have the opportunity to get before the Senate. I therefore hope Senators will not feel that I am trenching upon them when I ought not to seek to address the Senate.

Mr. GALLINGER. Mr. President, I will ask the Senator to yield to me for a statement?

Mr. CULLOM. Certainly.

Mr. GALLINGER. I have been desirous for several days of moving an executive session, but have refrained for one reason or another from doing so. The Senator from Illinois [Mr. CULLOM] is about to deliver a speech, notice of which he gave several days ago. The Senator from Mississippi [Mr. McLAURIN] has suggested to me that he has a brief speech which he is very desirous of delivering. I now give notice that upon the conclusion of the speech of the Senator from Mississippi I shall move an executive session.

Mr. TELLER. I will say to the Senator from New Hampshire that I gave notice several days ago that I would follow an appropriation bill with a short speech. I shall not be long.

Mr. GALLINGER. Very well; I see no reason why the Senator can not be accommodated.

Mr. TELLER. I will follow the Senator from Illinois.

Mr. GALLINGER. At the conclusion of these three speeches, which I trust will not occupy a great while, I give notice that I will move an executive session.

Mr. TELLER. Mine is not a political speech, I will say to the Senator.

Mr. CULLOM. I shall not object to an executive session.

Mr. HANSBROUGH. Mr. President—

Mr. CULLOM. I believe I have the floor, Mr. President.

Mr. HANSBROUGH. It must be evident to the Senator from Illinois that there is a very earnest desire on the part of numerous Senators here to get up House bills on the Calendar with amendments, which must go back to the House, or else they can not pass at this session. Here we have had notice of three speeches. I do not care to object to any Senator making a speech, because under the usage that privilege is accorded to them; but we also have notice that the Senator from New Hampshire [Mr. GALLINGER] is going to move an executive session. So, Mr. President, the consideration of these important House bills with amendments is to be put over until three speeches are made, and until after the Senator from New Hampshire has secured an executive session. I simply want that statement to appear.

Mr. CULLOM. We are now about to adjourn, and the Senator from North Dakota [Mr. HANSBROUGH] has had abundant opportunity before this. The Senator has made two speeches to where almost any other Senator has made one.

Mr. HANSBROUGH. Oh, no, Mr. President.

Mr. CULLOM. But now if the Senator desires that I shall desist from talking, I shall do so.

Mr. HANSBROUGH. No, Mr. President, I do not want to interfere with the Senator at all. I simply wanted to make the statement I have made, so that the Senate might take notice of the situation.

Mr. KEAN. I call for the regular order, Mr. President.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. CULLOM] is recognized.

Mr. CULLOM. I now ask the Chair to lay before the Senate the joint resolution (H. J. Res. 102) relating to the exemption of all private property at sea, not contraband of war, from capture or destruction by belligerent powers.

The PRESIDENT pro tempore. The Chair lays before the Senate the joint resolution referred to by the Senator from Illinois, on which he is entitled to the floor.

Mr. PENROSE. Mr. President, out of order, I desire to present morning business.

The PRESIDENT pro tempore. Morning business will be in order after 12 o'clock.

Mr. PENROSE. I supposed morning business was closed.

The PRESIDENT pro tempore. No; the morning business does not commence until 12 o'clock.

Mr. KEAN. There is no morning business.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. CULLOM] is entitled to the floor.

Mr. CULLOM addressed the Senate. After having spoken a half hour.

Mr. PENROSE. I ask the Senator from Illinois kindly to yield in order that I may call up the conference report on the post-office appropriation bill.

Mr. CULLOM. I am entirely willing to do so.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I ask that the conference report on the post-office appropriation bill, which went over the other day in order to be printed, may be laid before the Senate.

The PRESIDING OFFICER (Mr. ALLEE in the chair). The Chair lays before the Senate the conference report on the post-office appropriation bill.

Mr. GORMAN. Let us have the report read.

The PRESIDING OFFICER. It has been read, and printed in the RECORD.

Mr. GORMAN. Only a part of it has been read. Do I understand the Chair to say the report has been read? It has been printed, I know.

Mr. PENROSE. I understand the report has not yet been read. The Clerk started to read the report, when the Senator from Georgia [Mr. CLAY] asked that it go over so that it could be printed. I ask that the Secretary proceed to read the report, if the Senator from Maryland desires it read.

The PRESIDING OFFICER. The Secretary will read the report.

Mr. GORMAN. If the entry has been made that the report has been read, I will not ask that it be read now.

Mr. COCKRELL. It has not been read.

Mr. GORMAN. Then let it be read.

The Secretary read the conference report, which will be found in the proceedings of the Senate of Monday, April 25, 1904.

The PRESIDENT pro tempore. The report is agreed to.

Mr. SCOTT. Will the Senator from Illinois yield to me for a moment?

Mr. CULLOM. For what purpose?

Mr. SCOTT. To present a conference report.

Mr. CULLOM. I yield for a conference report.

Mr. GORMAN. What became of the conference report on the appropriation bill for the post-office service?

The PRESIDENT pro tempore. The Chair announced that it was agreed to.

Mr. GORMAN. I hope the conference report will be considered open for a moment. We want some explanation about it.

The PRESIDENT pro tempore. The Chair will certainly regard it as an open question.

Mr. CLAY. Mr. President, just a word. The action of the conferees as to two amendments, I, as a member of the conference committee, finally acquiesced in under protest. One is on page 31:

In fixing the salary of said carriers within the said maximum limit the Postmaster-General shall take into consideration the length of the route and other circumstances materially affecting the labor and cost of said service, but no application for the establishment of a route shall be refused on account of the condition of the roads over which said route would run if a carrier can be secured for the salary prescribed by the Postmaster-General.

That amendment was offered by the Senator from North Carolina [Mr. SIMMONS], and the conferees on the part of the Senate were very reluctant to give it up. I regret very much that the amendment was not agreed to on the part of the House.

Again, on page 32, the Senate amended the House bill in a material way in regard to rural carriers, and I believe that amendment ought to have been agreed to. The House bill provided:

Provided, That said carriers may carry merchandise for hire for and upon the request of patrons residing upon their respective routes, whenever the same shall not interfere with the proper discharge of their official duties, and under such regulations as the Postmaster-General may prescribe.

The Senate amended it so as to read as follows:

Provided, That said carriers may carry merchandise for hire and receive subscriptions for and deliver newspapers, magazines, and other periodicals for and upon the request of patrons residing upon their respective routes whenever the same shall not interfere with the proper discharge of their official duties and under such regulations as the Postmaster-General may prescribe, and not otherwise: *And provided further*, That no carrier shall refuse to deliver or to take orders or subscriptions for any merchandise, newspaper, or periodical requested by any patron on his route, subject to the laws of the United States and the regulations of the Postmaster-General.

That amendment was the last one we gave up, Mr. President. I will confess, for my part, that I gave it up under protest. I believe that when these routes were established for the benefit of the farmers, it was intended that when they desired to subscribe for newspapers or periodicals they should have the right to go to the carrier and say to him, "I want to subscribe for a newspaper." It was not only intended that the system should give to the farmer the right to receive his mail every day, but that he should have the special right, if he desired to exercise it, to send to his merchant for the purpose of getting shoes, or coffee, sugar, or groceries, or anything else he might desire for his household. It was also the intention of the system that he should have the right to go to the carrier and to say to the carrier, "Go to my merchant and bring to me such products and such merchandise as I may desire."

Mr. President, the Senate committee was careful and guarded in regard to this amendment. We did not intend that the rural carrier should become a soliciting agent for any newspaper, but we did believe if a farmer desired to subscribe for a newspaper it should be the duty of the carrier to carry out his request.

Mr. SPOONER. I will ask the Senator what possible harm could come to the Government from that?

Mr. CLAY. I do not believe any harm could come to the Government.

Mr. SPOONER. Nor do I.

Mr. CLAY. I will say in behalf of the conferees on the part of the Senate that we were unanimously in favor of this amendment. It was offered in the Senate by the junior Senator from Massachusetts [Mr. LODGE]. I regret exceedingly that the House conferees did not yield and accept this amendment. I believe the free rural delivery service will be greatly crippled by reason of refusing to accept this amendment.

We were told by those who presented the question in opposition to the amendment that in many instances some newspaper received the advantage over others, and then we were careful to provide that in no instance should the rural carrier solicit subscriptions, but that in every case where the farmer desired to take a newspaper he should have a right to go to the carrier and give him an order for the newspaper.

Mr. PLATT of Connecticut. May I ask the Senator just what was done by the conference committee? Was the amendment of the Senate relinquished and the provision of the House agreed to?

Mr. CLAY. The provision of the House bill was adopted in lieu of the amendment agreed to by the Senate. I think it was a very serious mistake, but we were told frankly that the House would never agree to it. We were told that the House had determined that this matter should stand in the way it came from the House. I feel that the usefulness of the service so far as the farmers are concerned will be greatly crippled.

Again, I believe the amendment offered by the junior Senator from Kansas [Mr. LONG] ought to have been agreed to. We were told by the Fourth Assistant Postmaster-General and by the

Postmaster-General that twenty-six additional inspectors were needed for the purpose of putting in operation the routes now desired. Hundreds and hundreds of petitions are pending before the Post-Office Department, and we were told by the Department that in order to comply with the requests of the petitioners the additional inspectors were needed. I am glad to say that the Senate unanimously adopted the amendment, but we were forced to cut it down one-half. I believe that that was a mistake, but in conference committees we are compelled to do the very best we can. I yielded, and yielded reluctantly. I believe the Senate was right and the House was wrong.

Mr. SIMMONS. I desire to submit a few remarks in reference to amendment numbered 63.

Mr. President, I regret exceedingly that the conference committee yielded the amendment which provides that in fixing the salaries of carriers within the limits prescribed by this bill no route shall be refused upon the ground that the condition of the road is not such as to meet the approval of the inspector. No possible harm could have come to the Government by this amendment, and great benefit would have resulted to the patrons of the service. In my State there have been considered since this service was inaugurated applications for about 550 routes, and 230 of those applications have been rejected, in nearly every instance on account of the condition of the roads. So I am informed by Members of Congress who have indorsed the applications. In every case where an application has been refused for this cause I am told that there were two or three and sometimes five or six persons who were not only willing but anxious to perform the service of carrier, notwithstanding the inspector held that the road was not in good condition.

Mr. President, the section of country from which I come has suffered peculiarly on account of this ruling of the Department, for it is nothing more than a ruling of the Department, and there is nothing in the law, so far as I have been able to discover, that justifies the Department in making any such ruling. Yet the Department has said that where the road is found not to be in a good condition the application for the route will be rejected.

In my State, and I find it is the same thing in many of the Southern States, where the roads are not quite as good as they are in the East and Central West, upon an average about one in every three applications is rejected on account of the condition of the roads, while in New England and in the Middle West, where the roads are in better condition, the average of rejections on this account is about one to seven, thereby working a very great hardship upon that section of the country. And the Government would not suffer at all if this factor was eliminated from consideration, because, as I said, somebody is always ready to perform the service for the amount of salary prescribed by law.

However, Mr. President, I do not blame the conferees on the part of the Senate at all. My understanding is that they have done the best they could; that they have stood by this amendment; that they were exceedingly anxious that this discrimination should be removed, but that the House was relentless and they were compelled to yield in order that we may pass the bill.

Mr. SPOONER. Will the Senator from North Carolina allow me for a moment?

Mr. SIMMONS. Certainly.

Mr. SPOONER. I have been told that within the last seventeen months—I think it was seventeen months—the percentage of applications adopted from the South has been considerably larger than from the North. There was a time when it was very largely the other way.

Mr. SIMMONS. That possibly may be true.

Mr. SPOONER. During the last seventeen months, I am told, the percentage is largely in favor of the South.

Mr. SIMMONS. I think that is very likely true, and it results from the fact that at the beginning of the service the percentage was very largely against the South.

Mr. SPOONER. At one time it was against the South, but it is not so now.

Mr. SIMMONS. That does not militate at all against the argument I am making.

Mr. SPOONER. I am not controverting the Senator's statement.

Mr. SIMMONS. It is a fact that in one Congressional district in my State, in the center of the State, where the roads are better than the average of the State, forty-five routes have been refused; and I am told that the inspector, while it may not appear in his report, stated privately to the Representative in Congress from that district that most of those routes were rejected on account of the condition of the roads. The roads there are about as good as they are in the State. It is in a level portion of the State, below the piedmont belt, and the injustice has been very great. If I could see any harm to come to the Government by admitting this principle in the bill, then I would not insist upon the amendment; but

how can the Government possibly be injured when there is a carrier willing and ready to carry the mail for the salary fixed?

Mr. GORMAN. Mr. President, only a word. It is a very difficult matter, of course, to follow the reading of one of these conference reports. I desire to ask the Senator in charge of the bill in relation to the provision for the post-office building at New York. I notice that the area has been reduced from 145,000 square feet to 100,000. I should like to have some explanation of that provision. Does it simply exclude payment of the part surrounding the building on the street?

Mr. PENROSE. I understand that this was a compromise suggestion with those who were opposed to the proposition originally, including one of the Members of the House from the State of New York, that the Government should buy a lesser portion of the property. The railroad company was willing to adjust the matter on those lines. It is my understanding that the balance will be an open space, no building being on it. It is not contemplated that the railroad company should sell it or lease it for any purpose. The Department was willing to have the matter adjusted on these lines, and the Government is getting an adequate amount of floor space for a less sum of money.

Mr. GORMAN. As the Senator perfectly well knows, this is an extraordinary provision put on the post-office appropriation bill; but after examination I came to the conclusion that it was an emergency which we ought to meet at this time, and the provision was well prepared by the Senator in charge of the bill. It seemed after a careful examination to cover all the interests of the Government, and while we were paying for a part of the space between the building and the street, I wanted to know whether, under this provision, the Government would be entirely secure in having a perfect right to the use of the strip on the outside of the building. Has that matter been brought to the attention of the conference committee in the consideration of this question?

Mr. PENROSE. I think that is fully understood by the commission having the matter in charge. The Government purchases the fee simple subject to the rights of the railroad company.

Mr. GORMAN. So the only result of this compromise is a reduction from \$2,000,000 to \$1,700,000?

Mr. PENROSE. That is all.

Mr. GORMAN. The size of the building will remain the same, so that it will be ample for post-office purposes?

Mr. PENROSE. The size of the building is a matter concerning which I am not familiar. That will depend upon the plans of the architect. But the ground space was considered by the Secretary of the Treasury and the Post-Office Department as being amply sufficient for the purposes of the Government.

Mr. GORMAN. Now, Mr. President, there is one other provision in this bill on which I desire to say only a word. It is the provision referred to by the distinguished Senator from Georgia [Mr. CLAY].

The bill as it came to the Senate provided that the rural mail carriers—

shall not solicit business or receive orders of any kind for any person, firm, or corporation, and shall not, during their hours of employment, carry any merchandise for hire: *Provided*, That said carriers may carry merchandise for hire, and upon the request of patrons residing upon their respective routes, whenever the same shall not interfere with the proper discharge of their official duties, and under such regulations as the Postmaster-General may prescribe.

I am aware that that provision originated because of a suggestion of the Postmaster-General and a decision on the part of that Department which practically prohibited these carriers from delivering newspapers on their routes under the old regulation of the Post-Office Department, holding that as a rule it was unwise to permit the carriers to engage in any other business. I think as a general rule that is quite correct; but the exception in the proviso in favor of the merchants, the great stores in the business centers, would enable them to continue to send whatever merchandise they wanted, to the exclusion of the newspapers, which I think is an unfortunate provision.

The Senate very wisely, in my judgment, inserted a provision which enabled the carriers to deliver newspapers as well. It may be true and probably is true that in some few cases, as stated by the Postmaster-General, special contracts were made with one or two newspapers to the exclusion of all others, but the Senate provision would have prevented that discrimination.

I think it is rather unfortunate that the conferees on the part of the Senate agreed to surrender the Senate provision. If the carriers are permitted to take merchandise, then they ought to have been permitted also to deliver newspapers.

I know how difficult it is for conferees to get all they want as a matter of adjustment and compromise when they meet. I think it is an unfortunate provision and that either one of two things should have been done, either to prohibit altogether engaging in

any business whatever or to have permitted newspapers to share in this privilege.

Mr. BAILEY. As I understand, Mr. President, the conference report leaves the bill in the respect just stated by the Senator from Maryland as it came from the House.

Mr. PENROSE. That is correct.

Mr. BAILEY. Without intending to criticize the Senate conferees, I must say that it seems to me plain that a man in the employment of the Government, receiving its salary and performing its service, ought not to become the agent either of any man who wants to buy goods or of any man who wants to sell them, and I can not vote to adopt the conference report.

Mr. CLAY. If the Senator will allow me, I will state that under the Senate amendment the carrier could not take them at all.

Mr. BAILEY. I understand. But the House provision provides that he may.

Mr. CLAY. We struck that out.

Mr. BAILEY. I thoroughly agree that the Senate provision is preferable to the House provision, and I will never vote for a bill which allows an employee of the Government to become a solicitor—and that will be the effect of it—for the storehouse that wants to sell goods or for the citizen who wants to buy goods.

We have gone a long way in the post-office system to make the Government a common carrier now. The fathers who incorporated the Post-Office Department by constitutional provision into our system of government had no thought that it would be expanded and extended as it has been.

I want to put the question to these gentlemen who see so much danger in the governmental ownership and operation of railroads—and I am one of that class, for I have never yet been able to see why the Government should cease to be a sovereign and become a common carrier, and I believe there is no evil from which the people now suffer comparable to the evils that will flow from the abandonment by the Government of its governmental function and engaging in a service that is corporate or individual. But I can not quite comprehend the distinction in principle between carrying one pair of shoes in the mail department of the Government and carrying a case of shoes outside of the mail.

Mr. SPOONER. Does the Senator mean to be understood as expressing the opinion that if the rural letter carrier carries for hire to a person on his route a package, the Government thereby becomes a common carrier of goods?

Mr. BAILEY. No; I am free to say that the Government now is a common carrier, for the Senator from Wisconsin, if he chooses to do so, can go down into the city and buy a pair of shoes and send them home through the mails. I was only saying that the system has been extended now far beyond what was ever contemplated.

The Government is now a common carrier in a small way, the difference being one of degree and not of principle. And now your proposition is to make an agent for a mercantile establishment of your mail carrier, appointed by the Government under a kind of civil-service examination, according to which he is compelled to know the geography of the world better than the people who live along his route. As I understand it, he is not examined as to the people to whom he must deliver the mail, but he must know the capitals of Europe and such like things that are useful for men to know generally, but do not tend to qualify him for the performance of this particular service.

And yet this Government employee, appointed by the Government under civil-service examination, is permitted by the House provision to become an agent for a mercantile establishment. If a patron along the route says to the mail carrier, "I wish you would buy me a certain kind of merchandise in town," the carrier goes to a favorite merchant and buys it and then delivers it to the mail patron; and thus it will be impossible, in my judgment, to keep the mail system provided for by the House from interlacing itself with the business rivalries in all the towns and villages of this land.

More than that, if it is permitted to begin and to continue and to expand, as other phases of the system have, the result will be that the mercantile establishments in New York, Philadelphia, Chicago, and St. Louis will simply monopolize the trade that belongs to the local retail merchants. This is a part of the scheme for postal parcels delivery, which Congress has been urged to adopt from time to time.

The PRESIDENT pro tempore. The question is on agreeing to the report.

The report was agreed to.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 59 minutes a. m., Wednesday, April 27, 1904) the Senate adjourned until 12 o'clock meridian, April 27, 1904.